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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 31st May, 1961 :—

Issue No.	Name and Date	Issued by	Subject
135.	S.O. 1203, dated 23rd May, 1961.	Ministry of Finance	Amalgamation of the Bank of Poona Ltd., with the Sangli Bank Ltd.
	S.O. 1204, dated 23rd May, 1961.	Do.	Direction that the Order of moratorium in respect of the Bank of Poona Ltd., Poona, shall be in force upto 2nd June, 1961.
	S.O. 1205, dated 23rd May 1961.	Do.	Specification that the amalgamation referred to in S.O. 1203 above will take effect from 3rd June, 1961.
136.	S.O. 1206, dated 24th May, 1961.	Do.	Certain directions regarding reinsurance.
137.	S.O. 1207, dated 25th May, 1961.	Election Commission, India.	List of Contesting Candidates in the Election to the House of the People from 250-Chatrapur Parliamentary Constituency.
138.	S.O. 1208, dated 25th May, 1961.	Ministry of Finance.	Order of moratorium in respect of the G. Raghunathmull Bank Ltd., Hyderabad.
	S.O. 1209, dated 25th May, 1961.	Do.	Order of moratorium in respect of the Peoples' Bank Ltd., Tirthahalli.
	S.O. 1210, dated 25th May, 1961.	Do.	Order of moratorium in respect of the Catholic Bank Ltd., Mangalore.
	S.O. 1211, dated 25th May, 1961.	Do.	Order of moratorium in respect of the Pie-Money Bank (Private) Ltd., Mangalore.

Issue No.	No. and date	Issued by	Subject
	S.O. 1212, dated 25th May, 1961.	Ministry of Finance	Order of moratorium in respect of the Moolky Bank Ltd., Mulky.
139.	S.O. 1213, dated 25th May, 1961.	Do.	The Central Civil Services (Revised Pay) Fourth Amendment Rules, 1961.
140.	S.O. 1214, dated 29th May, 1961.	Election India, Commission,	Proposals in regard to Two-Members Constituencies (Abolition) Act, 1961 as respects Delhi.
	S.O. 1215, dated 29th May, 1961.	Do.	Proposals in regard to Two-Member Constituencies (Abolition) Act, 1961 as respects Himachal Pradesh.
	S.O. 1216, dated 29th May, 1961.	Do.	Proposals in regard to Two-Member Constituencies (Abolition) Act, 1961 as respects Tripura.
141.	S.O. 1217, dated 29th May, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.
142.	S.O. 1218, dated 30th May, 1961.	Ministry of Law.	Declaration containing the name of the candidate elected by the 357. Sultanpur Constituency in the House of the People.
143.	S.O. 1219, dated 30th May, 1961.	Ministry of Commerce and Industry.	Appointing 1st June, 1961 on which the Standards of Weights and Measures Act, 1956, shall come into force in whole of India excepting certain places, etc.
	S.O. 1220, dated 30th May, 1961.	Do.	Permitting the undertakings and departments of Government referred to in S.O. 1219 above, the use of any weights or measure which immediately before that day was in use.
	S.O. 1221, dated 30th May, 1961.	Do.	Appointing 1st June, 1961 on which the Standards of Weights and Measures Act, 1956 shall come into force in Bihar in certain respects specified therein.
	S.O. 1222, dated 30th May, 1961.	Do.	Permitting the undertakings and departments of Government referred to in S.O. 1221 above, the use of any weights or measures which immediately before that day was in use.
	S.O. 1223, dated 30th May, 1961.	Do.	Appointing 1st June, 1961 on which the Standards of Weights and Measures Act, 1956 shall come into force in Orissa in certain respects specified therein.

Issue No.	No. and date	Issued by	Subject
	S.O. 1224, dated 30th May, 1961.	Ministry of Commerce and Industry.	Permitting the undertaking and departments of Government referred to in S.O. 1223 above, the use of any weights or measures which immediately before that day was in use.
144.	S.O. 1289, dated 31st May, 1961.	Election Commission, India.	Proposals in regard to Two-Member Constituencies (Abolition) Act, 1961 as respects Bihar State.
145.	S.O. 1290, dated 31st May, 1961.	Do.	Proposals in regard to two-Member Constituencies (Abolition) Act, 1961 as respects Rajasthan State.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 25th May 1961

S.O. 1303.—In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the bye-election held in 1961 has, in accordance with the decision given today by the Election Commission under sub-rule (3) of the said rule, failed to lodge his account of election expenses within the time required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Parkash Baghi 14/17, Double Storey, Lajpat Nagar, New Delhi-14.	New Delhi

[No. DL-P/394/61-BYE(i)/11793.]

By order,

K. S. RAJAGOPALAN, Under Secy.

New Delhi, the 29th May 1961

S.O. 1304.—In pursuance of sub-rule (1) of rule 23 of the Registration of Electors Rules, 1960, the Election Commission hereby designates the Chief Electoral Officer of the Union Territory of Manipur, as the officer to whom appeals shall lie from the decisions, under rule 20 or rule 21 of the said Rules, of the Registration Officer for each of the Parliamentary constituencies in the Territory.

[No. 429/61(2)/MR.]

By Order,

PRAKASH NARAIN, Secy.

New Delhi, the 3rd June 1961

S.O. 1305.—In pursuance of sub-section (6) of Section 116A of the Representation of the People Act, 1951, the Election Commission hereby publishes the decision of the High Court of Madhya Pradesh given on the 27th April, 1961, on an appeal from the order dated the 22nd December, 1960, of the Election Tribunal, Bhopal.

HIGH COURT OF MADHYA PRADESH, JABALPUR.

First Appeal No. 9 of 1961.

Shri Keshao Prasad, aged 45 years, son of Harihar Prasad Verma, of Phaphadih ward, Raipur, tahsil and district Raipur—*Appellant*.

Versus.

1. Shri A. D. Mani, Journalist, of Hitvada, Vidya Vihar, Bhopal.
2. Shri Bhanu Pratap Singh, son of Girraj Singh, Komakhan, tahsil and district Raipur.
3. Shri Gopikishan Balmukund, Member of Parliament, Guna.
4. Shri Ratanlal Kishorilal Malviya, Manendragarh, district Surguja.
5. Shri Gurudeo, 'Shri Kasauta House', Venkat Road, Rewa.
6. Shri Niranjan Shankerlal, Shri Niranjan Verma, Advocate, Vidisha.
7. Shri Rameshwar Agnibhoj, Advocate, Bhopal.
8. Shri Gurudeo Saran, City Laskar, Halka No. 14, Tah. and district Gwalior.
9. Shri Mansoor Shah, Kampoo Road, Madhava Ganj, Laskar, Gwalior.
10. Smt. Manohara Holkar, 383, Govindpura, Raisen Road, Bhopal—*Respondents*.

Appeal by Respondent No. 5 from the Judgement of the Court of the Member, Election Tribunal and District Judge, Bhopal presided in by Shri L. N. Pathak dated the 22nd December, 1960, in Election Tribunal 13 of 1960. Original claim for declaring the election of the returned candidate, Shri K. P. Verma, respondent No. 5 as void, and declaring that the Petitioner, Shri A. D. Mani, has been duly elected.

Decreed for Declared that the election of the returned candidate Shri K. P. Verma is void and the Petitioner Shri A. D. Mani is declared to have been duly elected. Claim in appeal for setting aside the judgement of the Tribunal.

Memo. of appeal presented by Shri M. P. Shrivastava Counsel for appellant, on 16th January, 1961.

The appeal coming on for final hearing on 6th, 7th and 24th April, 1961, before the Honourable Shri Chief Justice P. V. Dixit and the Honourable Shri Justice K. L. Pandey in the presence of Shri Y. S. Dharmadhikari and Shri N. P. Shrivastava Counsel for the appellant, and of Shri R. R. Mandlekar and Shri H. S. Verma, Counsel for the respondent No. 1 Shri A. P. Sen, Shri A. H. Saffi, Ku. C. Podder for the respondent No. 2 Shri G. P. Singh for the respdt. 5 and Shri Rameshwar Agnibhoj respondent No. 7 the following judgement was delivered by the Court:—

JUDGEMENT

This is an appeal under section 116A of the Representation of the People Act, 1951, from a decision of the Election Tribunal, Bhopal, declaring the election of the appellant to the Council of States void and the respondent No. 1, Shri Mani,

as having been duly elected. The decision was given on a petition filed by the said respondent challenging the appellant's election.

2. On 4th March, 1960, an election was held to fill five vacancies in the Council of States. The appellant and the respondents contested the election. The election was according to the system of 'proportional representation by means of single transferable vote. Out of 270 ballot papers received by the Returning Officer, five were declared to be invalid. The quota which a candidate had to secure for getting elected was, as ascertained under rule 122 of the Representation of the people (Conduct of Elections and Election Petitions) Rules, 1956, (hereinafter referred to as the Rules), 4417 points. At the end of the counting of votes the Returning Officer declared the appellant, Shri Verma, and the respondents Nos. 2 to 5 elected. The Returning Officer found that 3944 points secured by the respondent No. 1 were less than those obtained by the appellant who was the last candidate to be declared.

3. The respondent Shri Mani challenged the election of the appellant on various grounds. They were (a) that the Returning Officer wrongly rejected a ballot paper on which the only mark was against the name of the said respondent; (b) that he did not count the third preference vote recorded in some of the ballot papers when he was bound to do so, as the candidates against whose names the first and second preference votes were recorded had been excluded; (c) that the transfer of surplus vote was not in accordance with the Rules; (d) that there were errors in counting and scrutiny of ballot papers which had materially affected the result of the election; and (e) that if the ballot papers had been properly evaluated he would have been declared elected instead of the appellant Shri Verma. The election petition was thus based on the ground of miscount of the ballot papers. The respondent Shri Mani was granted leave on 23rd July, 1960, to amend the petition for incorporating particulars of the errors said to have been committed in the counting. The particulars are given in paragraph 4(b) of the petition. The appellant denied the respondent No. 1's allegations about mistakes in counting. He submitted that the counting was properly done as required by the Rules; that at the time of the counting neither the said respondent nor his agents made any grievance of mistakes in counting; and that, therefore, the election could not be challenged by an election petition on the ground of miscounting. The appellant also entered a 'recrimination' contending that the election of the respondent No. 1 would have been void if he had been elected for the reasons that he was not eligible for being elected to the Council of States as his name was not properly enrolled in the electoral roll for any Assembly or Parliamentary constituency in the State of Madhya Pradesh; that as the owner and publisher of newspaper entitled 'Hitavad' published from Nagpur and Bhopal he had entered into a subsisting contract with the Government of India for publication of advertisements in the paper and was thus disqualified under section 7(d) of the Act; and that he was also holding an office of profit. The appellant also pleaded that the allegations made in the election petition were vague and not specific; that the security deposit made by the respondent No. 1 was not in accordance with section 117; and that there was contravention of section 38(2) in the publication of the list of contesting candidates.

4. All these contentions of the appellant were rejected by the Tribunal. In the course of the scrutiny of ballot papers before the Tribunal it was revealed that the solitary ballot paper in which the first preference was recorded in favour of the respondent Shri Agnibhoj, the second and third preferences had been given to the respondent No. 6, Shri Niranjan Verma, and the respondent No. 1, Shri Mani, respectively. The tribunal found, on the evidence of the Returning Officer, Shri Raghunathsingh that he had omitted to evaluate the third preference recorded in favour of the respondent No. 1 in this ballot paper, and that if the third preference had been taken into consideration and properly evaluated, Shri Mani, would have got 4044 points as against 4038 secured by the appellant. The Tribunal, therefore, unseated the appellant and gave the seat to the respondent Shri Mani. The Tribunal observed at the end of paragraph 44 of the judgment under appeal—

"In other respects the counting of votes was not in any way challenged nor was method of calculation."

5. In the memorandum of appeal, the appellant has attacked the decision of the Election Tribunal on various grounds. But before us Shri Dharmadhikari, learned counsel for the appellant, pressed only four points, namely, (a) first that the respondent No. 1 or his agents not having raised any objection to the exclusion or counting of any ballot paper at the time of counting could not now

challenge the validity of the election of the appellant on the ground of miscount of the ballot papers and claim a recount, that in fact there was no error in counting; that the ballot papers had been tampered with after the counting and the 'third preference' taken into account by the Tribunal was marked after the counting (b) secondly, that the deposit made by the respondent No. 1 was not in accordance with section 117 of the Act; (c) thirdly, that the said respondent was not properly enrolled in the electoral rolls for any assembly or Parliamentary constituency in the State and was, therefore, not eligible for being chosen to the Council of States; and (d) fourthly, the publication of the list of contesting candidates was not in conformity with section 38 of the Act and the Rules.

6. On the question of the respondent No. 1's right to challenge the election on the ground of miscount, learned counsel for the appellant contended that rule 128 made an express provision for recount during the counting of the votes; that if the respondent No. 1 thought that the Returning Officer had committed an error in counting he or his agents could have asked the Returning Officer to examine and recount the papers of all or any candidate, but that they did not do so; and that after the return was made by the Returning Officer on the completion of the counting of votes no application for a recount could be entertained. Learned counsel relied on *Champa Devi vs. Jamna Prasad* (15 E.L.R. 443). The contention is untenable and cannot be accepted. The matter of the grounds on which a petition may be presented calling an election in question is governed by section 81, 100 and 101. Section 81(1) enacts that an election petition calling in question any election may be presented on one or more of the grounds specified in section 100(1) and section 101 to the Election Commission. These sections lay down a number of grounds on which an election may be set aside. By section 100(1)(d) (iii) and (iv) it is provided that if the result of the election, in so far as it concerns a returned candidate, has been materially affected (a) by the improper reception, refusal or rejection of any vote or if there is reception of any vote which is void, or (b) by any non-compliance with the provisions of the Constitution or of the Act or of any rules or orders made thereunder, the Tribunal shall declare the election of the returned candidate to be void. Thus an election petition can be founded on the ground of improper reception, refusal or rejection of any vote or the reception of any vote which is void, or on the ground of non-compliance of the provisions of the Constitution or of the Act or rules thereunder. Now, it is true that if a ballot paper is not invalid and is not rejected, but a mistake had been committed in ascertaining the value of the preferences recorded therein, then it is difficult to say that there had been improper reception or rejection of any vote. The word 'improper' occurring in section 100(1) (d) (iii) had reference to the grounds on which a ballot paper can be declared to be invalid. These grounds are stated in rule 116 and rule 120(4). A mistake in counting or in the evaluation of preferences would properly fall under the fourth clause of section 100(1)(d). The counting in the present case had to be done in accordance with rule 115 to 130. Any mistake in counting would due to non-compliance with the rules. Therefore, an election petition on the ground of miscount of ballot papers can always be entertained under section 100(1)(d)(iv). The provision in the rules about recount cannot control section 81, 100 and 101 or override them. These provisions nowhere say that where in the rules there is a provision for recount or scrutiny of the ballot papers at the time of the counting and the same has not been availed of by a candidate during the counting, then the candidate would be debarred from questioning the election on the ground of miscount of ballot papers. The decision in *Champa Devi vs. Jamuna Prasad* (supra) is not in point. The observation in that case that under rule 64(6) no application for a recount can be considered after the result-sheet had been completed and signed refers to the right of a candidate to claim a recount during the process of counting. The question whether an election petition can be based on the ground of miscount under section 100 did not arise for consideration in that case. The observations at page 453 in *Champa Devi's* case however indicate that the learned Judges were inclined to take the view that the loss of any ballot papers on account of any mistake in counting would fall within the mischief of section 100(a)(d)(iii).

7. It was then submitted that the election petition of the respondent should have been thrown out as it was vague and did not contain any particulars of the mistakes said to have been committed in counting that he should not have been allowed to amend his petition and, further, even after the amendment he never alleged specifically that the third preference recorded in the solitary ballot paper in which Shri Agnibhoj secured the first preference had not been valued at all; that the respondent had not alleged or established a *prima facie* case for a recount; and that under no provision there could be a roving enquiry for fishing out material to support the said respondent's case. To support his contention learned counsel referred us to *Bhikaji Keshavn vs. Brijlal Nandlal* (A.I.R. 1955

S.C. 610); *Basviah vs. Bachiah* (17 E.L.R. 293) and to paragraphs 559 and 560 in Halsbury's Laws of England (Vol. 14-Third edition).

8. All these objections are of unsubstantial character. Under section 83(1)(a) an election petition must contain a concise statement of the material facts on which the petitioner relies. Clause (b) of section 83(1) says that an election petition shall set forth full particulars of any corrupt practice that the petitioner alleges. The particulars that are required under sec. 83 are of any corrupt practice and not of other grounds on which an election is sought to be set aside. This is clear from the Supreme Court's decision in *Harish Chandra v. Triloki Singh* (A.I.R. 1957 S.C. 444). In that case it was pointed out that the particulars are required only when there is an allegation of corrupt or illegal practices, and a concise statement of the material facts required under section 83(1) would include facts relating to the holding of the election, the result thereof, the grounds on which it is sought to be set aside, the right of the petitioner to present the petition, and the like. There is thus no basis for the suggestion that the respondent No. 1 was required to give particulars of errors in counting. Now, "material facts" would mean that what is necessary for the purpose of formulating a complete cause of action and the failure to plead which would render the pleading to be struck out under the rules of pleading. The purpose of the particulars is only to fill in the picture of the plaintiff's cause of action with information sufficiently detailed to put the defendant on guard as to the case he has to meet and to enable him to prepare for trial. Here, the respondent No. 1 gave all the facts which were necessary for the purpose of showing that he had a cause for challenging the validity of the appellant's election, the grounds on which it was sought to be set aside, and his right to present the petition. He also stated in paragraph 4(b) of the original petition that the Returning Officer had not followed the directions for counting of votes as laid down in the rules and that he did not count the third preference votes recorded in some of the ballot papers which were liable to be calculated at the value of one-hundred in his favour inasmuch as the candidates against whose names the first and second preferences had been recorded were excluded candidates being lowest in the poll. By the amendment which the said respondent was allowed to make in the petition he gave further instances of the mistakes in evaluating the ballot papers. The Tribunal had the power to direct amendment of the petition under O. 6 R. 17 C.P.C. (See *Harish Chandra vs. Triloki Singh*—*Supra*). In clauses (iv), (v) and (vi) of paragraph 4(b) of the petition, the petitioner endeavoured to show how there was a mistake in calculating the value of the preferences in the ballot paper in which Shri Agnibhoj had secured the first preference vote, Shri Haranjan Verma the second and he himself had obtained the third. It cannot, therefore, be said that the respondent No. 1 had not given with sufficient fulness and clarification the material facts, and even the particulars, and an enquiry that the Tribunal held on his petition became a roving inquisition. The petition thus *prima facie* made out a cause to suspect the original counting. The respondent was not required to give an indication in the petition itself of the proof that the count at the election was wrong. Indeed from the very nature of the case, such a proof could not be given before the recount took place. The contention, therefore, that the petition should have been supported by particulars of evidence of miscounting is untenable. This view finds support in the decision of the Madras High Court in *Lakshumanayya vs. Rajam Ayyar* (A.I.R. 1930 Mad. 195) where it has been observed that where a miscount is alleged by the petitioner, usually nothing more can be alleged than cause to suspect the original count; that from the very nature of the case, proof that the count at the election was wrong cannot be given before the recount takes place; and that an overstrict insistence then an application should be supported by evidence of miscounting is, therefore, unwarrantable. To the same effect are the observations in *Seshaiah v. Kott Raddi*, (3 E.L.R. 39 at p. 40). In the Punjab North case (*Hammond's Election Cases* 562), the petitioner claimed a scrutiny and recount of votes and prayed that he be declared duly elected. The respondent's objection that no particulars of the objected votes had been given was overruled by the Court holding that the rules only required particulars to be given of an alleged corrupt practice and were silent as regards the form of the petition and the procedure to be adopted when a scrutiny was demanded; that a petitioner could not be expected to wait until he had sufficient opportunity to inspect the votes; and that it was sufficient to allege in the petition that he would be found on scrutiny to have secured a majority of votes. The statement of law contained in paragraph 559 in Halsbury's Laws of England (vol. 14-III edn.—at p. 310) that recount cannot be granted as of right but on evidence of good grounds for believing that there has been a mistake on the part of the returning officer is not of much assistance to the appellant. That statement is based on the authority of *Stepney Division*,

Towor Hamlets, Case [(1886) 4, N & H. 34 atpp. 50, 51]. In the case *Denman, J.* in delivering the judgment said—

"We decided against the contention that the respondent was entitled to a recount as a matter of right, but offered to hear any evidence tending to show that there had been a mistake on the part of the returning officer. We heard witnesses on both sides upon the point, and were satisfied. I may say mainly upon the evidence of one of the witnesses called by the petitioner, that there were strong grounds for thinking that the return could not be strictly relied upon. We therefore determined upon directing a recount.....".

This statement does not support the argument that an election petition must contain particulars of the proof of mistakes in counting on the part of the returning officer. It only shows that the petitioner has to make out good grounds for believing that there has been a mistake on the part of the returning officer and that this can be shown by the evidence of witnesses tending to show that there was a mistake on the part of the returning officer, and further if upon such evidence the court comes to the conclusion that there are strong grounds for thinking that the return made by the returning officer would not be relied on, then a recount can be directed. This was exactly the procedure which was followed in the present case.

9. Before the Tribunal, Shri Raghunath Singh, the Returning Officer, gave evidence about the valuation of the preferences. His evidence was based mostly on the transfer sheets prepared by him. In connection with the valuation of the preferences recorded in some ballot papers he was asked to state the number of preferences marked on the ballot papers which had been transferred by elimination of Sarvashri Agnibhoj, Gurudeo, Saran and Niranjan Shankarlal. His answer was:—

"There were no further preferences on the original paper of Shri Agnibhoj transferred to Shri Niranjan Verma. The original paper of Shri Gurudeo Saran which was transferred to Shri Niranjan Verma at the value of 100 did not contain any further preferences. One transferred paper of Shri Niranjan Verma was transferred to Shri Mani at the value of 6. If it contained any more preferences, cannot be said as Shri Mani was eliminated after this. There were no further preferences recorded on the papers transferred to Shri Niranjan Verma after his elimination."

He then made the statement that he could not say from memory whether there were next preferences on the ballot paper of Shri Agnibhoj whose original vote had gone at its full value to Shri Verma. He added:—

"I can, however, say from the transfer sheet that there are no next preferences on this paper."

The witness admitted that from the transfer sheet he could not say anything even about the contents of the ballot papers. The transfer sheets, on the basis of which he deposed, were according to the witness his rough notes which had not been signed. He said:—

"The Transfer-sheets are not signed. They are my rough notes. They are not required to be maintained under the Election Manual. I believe that the transfer-sheets are quite correct. If the ballot papers show otherwise, I will be open to correction."

The witness was then asked to open the bundle containing the ballot paper and take out the ballot paper in which the first preference vote had been recorded in favour of Shri Agnibhoj and the second one in favour of Shri Verma. On seeing that ballot paper, his statement was that it contained a third preference in favour of Shri Mani which he had omitted to value. According to Shri Raghunath Singh on a correct valuation of this third preference in favour of Shri Mani, the total points secured by Shri Mani would be 4044. The Returning Officer also said that the third preference marks in favour of Shri Mani in the ballot paper in question was legible and that when he declared it to be exhausted there was no objection on behalf of any counting agents of Shri Mani or a candidate and that he would have noticed the third preference had it been at the time of counting. He was then asked specifically the question as to whether he intended to say that the figure "3" was put on the ballot paper after counting. To this question his answer was:—

"No, it appears that it escaped my notice. The figure of '3' is so clear that normally it would not have been escaped my notice. I mean to say that I had seen this ballot paper carefully. I did not deliberately

omit to take the third preference into consideration. I can say definitely that there was no possibility of this figure '3' not being there in the ballot paper at the time of counting."

The Tribunal accepted the statement of Shri Raghunathsingh about the miscount of this third preferences and as the "counting of votes or the method of calculation" was not challenged in any other way before it, the Tribunal found that on the correct valuation of the notes Shri Mani had obtained 4044 points.

10. In connection with the evidence of the Returning Officer, the inspection of the solitary ballot paper in which Shri Agnibhoj had secured the first preference, and the contents of it, learned counsel for the appellant pressed on us the argument that the inspection of the ballot paper should not have been given that when the Returning Officer had stated clearly that at the time of the counting when he declared the aforesaid ballot paper to be exhausted no objection was taken by the agents of Shri Mani and that he would have noticed the third preference if it had been recorded in the ballot paper. The tribunal was not justified in putting a question to the witness whether he intended to say that the figure '3' was inserted in the ballot paper after the counting; that if the Tribunal had allowed the appellant's counsel to question the witness he would have given a different answer; that the Tribunal had ignored the evidence of the appellant and chandra Dhar, the agent of Shri Gurudeo, that at the time of counting there was no third preference recorded in the said ballot paper; and that there was a strong probability of the third preference having been recorded in that ballot paper after the counting. Learned counsel proceeded to say that this probability was also supported by the circumstances that proper arrangement for sealing of the ballot papers after the completion of counting had not been taken; and that the ballot papers were taken away from the custody of the returning officer by an order of the Tribunal contrary to rule 138 and the returning officer was asked to take out for inspection only the ballot paper in question. Relying on *Prakash Narain vs. Raja Birendra* (A.I.R. 1931 Oudh 333), learned counsel argued that in a case such as this it was not possible to establish fraud by positive and tangible proof and an inference could only be drawn by circumstantial evidence: that the circumstances adverted to sufficiently indicated that the third preference in the ballot paper referred to above must have been inserted fraudulently sometime after the completion of the counting.

11. We are unable to accede to the contention that the Tribunal committed an error in ordering the production of the ballot papers before it and in allowing the returning Officer to inspect the ballot paper in which Shri Agnibhoj secured the only first preference vote. Rule 133, while providing that the election papers shall not be opened and their contents shall not be inspected by or produced before any person or authority while they are in the custody of the Returning Officer, expressly says that they can be opened and their contents can be inspected under the order of a competent court or tribunal. The rule does not require that the physical custody of the ballot papers should always be with the returning officer. The tribunal had, therefore, the power to order the production of the ballot papers and their inspection if it thought it necessary for the decision of the election petition. The power had not been given to the Tribunal just for its satisfaction but for practical purpose of adjudicating upon a question such as the validity or invalidity of a ballot paper or the determination of its value as in the present case. The provisions in rules 130 and 138 about the sealing up of ballot papers after counting and their custody are undoubtedly for securing the secrecy of ballot which is the very essence of a proper election under the democratic set up. But this does not mean that a ballot paper can never be inspected when its validity or evaluation has been questioned in an election petition. Where the court is satisfied on the evidence before it that the production or inspection of the ballot papers is required for the purpose of an election petition, their inspection can be ordered. A positive proof of a miscount in ballot papers cannot clearly be given before it is inspected. Now, here, the evidence which the Returning Officer gave about the transfer and valuation of preferences was on the basis of certain order sheets which were only rough notes prepared by the Officer. The Returning Officer himself admitted the possibility of error when he said—"I believe that the transfer sheets are quite correct. If the ballot papers show otherwise, I will be open to correction." He was thus not confident about the correctness of the transfer of preferences and their valuation as shown in the transfer-sheets. On this statement of the witness the Tribunal was, in our opinion, justified in permitting the inspection of the ballot papers.

12. The Returning Officer's evidence clearly showed that the third preference marked in favour of Shri Mani in the ballot paper in which Shri Agnibhoj had received the only first preference vote he got, escaped his notice and he omitted to give due credit for that preference to Shri Mani. The witness had

no doubt stated earlier on the basis of transfer sheets that in this ballot paper no preference had been recorded in favour of Shri Mani and that he would have noticed it if it had been recorded. But after the inspection of the ballot paper in question he had to admit that he had committed an error and the third preference recorded therein in favour of Shri Mani escaped his attention. The objection of the learned counsel for the appellant that the Tribunal should not have questioned the Returning Officer when he had stated even after inspecting the ballot paper that he would have noticed the third preference if it had been there at the time of the counting, is untenable. The question whether the third preference recorded in the ballot paper was in existence at the time of the counting or was interpolated subsequently was an all important and serious question on which the petition turned. It had to be decided specifically by positive statements of the Returning Officer on the point and not by interferences drawn from the general statement made by the witness in answer to question which did not focus his attention on the alleged addition of the third preference. When, therefore, the Returning Officer made a general statement that he would have noticed the third preference at the time of counting if it had been recorded in the ballot paper, and when the transfer sheet showed that this third preference had not been evaluated, and, further, when the Returning Officer was not certain of the correctness of the transfer sheet maintained by him and the ballot paper itself contained a third preference in favour of Shri Mani, the Tribunal would have failed its duty if it had not questioned the witness and asked him to state categorically whether he intended to say that the third preference vote had been added subsequent to the counting. It is difficult to conceive what other answer the Returning Officer would have given if a question seeking this clarification would have been put by the appellant's counsel himself. The Returning Officer categorically said that the figure '3' was not put on the ballot paper after counting; that it had escaped his notice; and that he had not seen the ballot paper in question carefully. Surely the witness could not have been asked the question whether from his answer that he would have noticed the third preference at the time of counting if it had been there, he drew the inference that the figure '3' on the ballot paper was added subsequently. Even if such a question had been put, his answer would have been no different that the one he gave in reply to the Tribunal's question. As a subsidiary argument, learned counsel for the appellant also said while replying to the Court-question the witness had actually said "I can say definitely that there was possibility of this figure '3' not being there in the ballot paper at the time of counting" and that the witness had actually struck out the word "no" between the words "There was" and "possibility" which had been typed in the deposition sheet, but that the Tribunal added the word "no". The suggestion, which has no basis, does not merit any consideration. Consistent with his earlier statement that the figure '3' was not added subsequently, that it escaped his notice at the time of counting, and that he had not seen the ballot paper carefully, any statement of the witness that "there was possibility of the figure '3' not being there in the ballot paper at the time of counting" would have been meaningless. The striking out of the word "no" from the typed deposition can be explained as a lapse on the part of the witness while hurriedly reading the deposition. Again, there is nothing to show that even when the word "no" was restored by the Tribunal the witness objected to the correction saying that he had made a contrary statement.

13. The effect of the clear statement of the Returning Officer that there was no possibility of the figure '3' having been inserted in the ballot paper in question subsequent to the counting, that it had escaped his notice, and that he had not seen the ballot paper carefully is in no way displaced by the vague recollections of the appellant or of Chandra Dhar who deposed about the non-existence of figure '3' in the ballot paper at the time of counting. The statements made by these two witnesses cross-examination amply show that their recollection as to what recorded preferences they had seen in various ballot papers cannot be relied upon.

14. Learned counsel laid considerable stress on the circumstances that the Returning Officer parted with the custody of the ballot papers in obedience to the Tribunal's order and for some time the ballot papers were in the custody of the Tribunal, and that they were not properly sealed in the presence of the candidates or their counting agents, as lending support to the possibility of the ballot papers being tampered with. We do not think that these circumstances in any way detract from the value of the evidence of the Returning Officer that there was no possibility of the figure '3' having been added in the ballot

paper after the counting. Learned counsel saw some significance in the Returning Officer being asked to inspect only one ballot paper. It was said that this also indicated that figure '3' had been inserted subsequently in the ballot paper and the respondent No. 1 knew about it. We do not see anything suspicious in the Returning Officer being asked to take out from the sealed packet of ballot papers the ballot paper in question and inspect it, when the respondent had specifically alleged in clauses (iv), (v) and (vi) of paragraph 4(b) of the petition that no credit had been given to him for the third preference recorded in the ballot paper in which Shri Agnihotri had secured the first preference and Shri Niranjan Verma the second preference. There was possibility of the respondent No. 1 having come to know from the person casting the vote himself or herself that a certain preference has been recorded in his favour. Cannot be ruled out that being so, it is futile to contend that the knowledge of the respondent No. 1 that the third preference had been recorded in his favour in the ballot paper in question was in itself indicative of the fact that the preference had been added subsequent to the counting. The appellant has utterly failed to prove the charge of tampering with the ballot papers. No doubt it is difficult to prove such a charge or other type of fraud by means of direct evidence. But as pointed out by the Privy Council in *Satish Chandra vs. Satish Kantha* (A.I.R. 1925 P. C. 73), it has to be proved by established facts or inferences legitimately drawn from those facts taken together as a whole; suspicious surmises and conjectures are not permissible substitutes for those facts or inferences. The suggestion made by the appellant as regards tampering with the ballot papers cannot legitimately be drawn from the evidence that was led before the Tribunal and the circumstances about the custody of the ballot papers and their sealing relied on by the learned counsel for the appellant. In our view, the Tribunal was right in giving effect to the statement of the Returning Officer and in holding that the Returning Officer had omitted to notice that the third preference recorded in favour of Shri Mani in the ballot paper and to evaluate it.

15. Turning now to the convention that the security deposit made by the respondent No. 1 did not comply with the provisions of section 117 we find that that security deposit was made by the respondent No. 1 through his counsel Shri Mandekar in the Government Treasury at Nagpur on 6th April 1960. The challan by which the deposit was made, so far as is material here, is in these terms :—

"By whom brought	On what Account	Amounts
A. D. Mani, Bhopal, Journalist, petitioner through counsel Shri Mandekar, Supreme Court Advocate, Nagpur.	Security for the cost of election petition under section 117 of the Representation of the People Act, 1951, P. D and advance not bearing interest Civil Deposit.— On a/c of election petition.	Rs. 1000 - (One Thousand Rupees only)

At the back of the Challan the Treasury Officer signed an endorsement asking the Reserve Bank of India, Nagpur, to receive the amount of Rs. 1,000. It also bears the seal of the Reserve Bank of India to indicate that the amount was received by the Bank on 6th April 1960. Section 117 of the Act says :—

"The petitioner shall enclose with petition A Government Treasury Receipt showing that a deposit of one thousand rupees has been made by him either in a Government Treasury or the Reserve Bank of India in favour of the Election Commission as security for the costs of the petition."

The appellants' objection is that the amount was not deposited by the respondent No. 1 himself but by his counsel who had no authority to do so, and the deposit was not made in favour of the Election Commission for the costs of the petition. The objection is devoid of any substance and is really concluded by the decisions of the Supreme Court in *Kamraja Nadar Vs. Kunja Thevar* (14 E.L.E. 270) and

Chandrika Prasad Vs. Shiv Prasad (A.I.R. 1959 S.C. 827). Section 117 first contained the words "in favour of the Secretary to the Election Commission." The words "the Secretary to" were omitted by Act No. 58 of 1958. While dealing with the question whether the expression "in favour of the Secretary to the Election Commission" were directory or mandatory in their Character, the Supreme Court said in the case of *Kamraj Nadar* (Supra) that section 117 should not be strictly or technically constructed and that whenever it is shown, that there has been a substantial compliance with its requirements the Tribunal should not dismiss the election petition under section 90(3) on technical grounds. In that case it was observed that—

"What is of the essence of the provision contained in Section 117 is that the petitioner should furnish security for the costs of the petitioner and should enclose along with the petition a Government treasury receipt showing that a deposit of one thousand rupees has been made by him either in a Government treasury or in the Reserve Bank of India, is at the disposal of the Election Commission to be utilised by it in the manner authorised by law and is under its control and payable on a proper application being made in that behalf to the Election Commission or to any person duly authorised by it to receive the same, be he the Secretary to the Election Commission or any one else."

If, therefore, it can be shown by evidence led before the Election Tribunal that the Government treasury receipt or the challan which was obtained by the petitioner and enclosed by him alongwith his petition presented to the Election Commission was such that the Election Commission could on a necessary application in that behalf be in a position to realise the said sum of rupees one thousand for payment of the costs to the successful party, it would be sufficient compliance with the requirements of section 117."

The decision in *Chandrika Prasad Vs. Shiv Prasad* (A.I.R. 1959 S.C. 827) is to the same effect. Applying the principle laid down in these cases, there can be no doubt that there was substantial compliance with the terms of section 117. The challan reproduced above clearly shows that the deposit was made by the respondent No. 1 through Shri Mandlekar. It was a deposit of security for the costs of election petition under section 117 and was paid in the Treasury under the head "Civil Deposit a/c Election Petition." Section 117 does not require that the person filing the petition should himself personally make the deposit. An amount to be deposited in a bank or treasury to the credit of some person or authority can be paid in by the person making the deposit himself or for the matter of that by any person directed by him to pay in the amount. All that is necessary is to indicate clearly that the deposit is from the person filing the election petition. It is true that in the challan the words "in favour of the Election Commission" were not inserted. But the entry in the Challan that the security was for the costs of the election petition under section 117 of the Representation of the People Act, 1951, is plain enough to show that the deposit was in favour of the Election Commission. Then there is also the evidence of the Treasury Officer, Nagpur, Shri D. S. Patil, that he received the amount and signed the Challan as Treasury officer asking the Reserve Bank to receive the amount of Rs. 1,000 : that it was paid in towards the security for the costs under section 117, and that the amount was available to the Election Commission, Delhi, at all times and was still available to the Commission. Thus there is no doubt that the full amount of the deposit was at the disposal and under the control, of the Election Commission. In *Kamraj Nadar's case* (Supra) also the Treasury receipt filed with the election petition did not expressly show that the deposit had been made in favour of the Secretary to the Election Commission. But the evidence of the Head Accountant of the Treasury in which the money was deposited showed that the amount was kept in the revenue deposit and it was at the disposal of the Election Commission. It was, therefore, held that there was sufficient compliance with the provisions of section 117. In the other case, namely, *Chandrika Prasad Vs. Shiv Prasad* (A.I.R. 1959 S.C. 827) the receipt of the security deposit was much more defective than the receipt in the present case. It only mentioned that the security deposit was for election petition of Bargi Assembly Constituency No. 97, district Jabalpur, with the condition—"Refundable by order of the Election Commission of India, New Delhi". The objection that the security had not been deposited in the name of the Secretary to the Election Commission as required by Section 117 and that the deposit

was with the condition that it was refundable by the order of the Election Commission of India was held to be purely technical. Here, the deposit made was unconditional and with specific reference as its being one under section 117 for the costs of the election petition of the respondent No. 1. Learned counsel for the appellant said that there was no evidence of any officer of the Reserve Bank, the Treasury Officer was not in a position to say whether the Reserve Commission and that the amount having been ultimately credited in the Reserve Bank, the Treasury Officer was not in a position to say... Whether the Reserve Bank had credited it towards the account of the Election Commission or whether the amount was at the disposal of the Election Commission. We do not agree. The Treasury Officer deposed that on the Challan there was a seal of the Reserve Bank of India having received the amount of Rs. 1,000. The amount having been received by the Bank, a reasonable presumption could be made that it would be credited in the Bank according to the entries contained in the challan. In our opinion, the treasury challan of the deposit of the security amount for the costs of the election petition under section 117 with the signature of the Treasury Officer and the seal of the Reserve Bank of India is a receipt within the meaning of section 117 showing that the deposit had been made in the Reserve Bank of India in favour of the Election Commission. Learned Counsel referred us to *Abdul Wahid Vs. B. V. Keskar* (A.I.R.: 1960 All: 113) where it has been laid down that under section 117 of the Act an inference arises that the rules governing the treasuries have to be looked into by the authorities who have to decide the validity of the deposit. It was urged on the strength of this decision that as the deposit made in the present case was not in accordance with the relevant treasury rules it was not a valid one. As we read the decision of the Allahabad High Court, we do not think that it lays down the proposition that unless a deposit is in strict conformity with the treasury rules it cannot be regarded as a valid deposit under section 117. In that case it was contended on behalf of the person whose election challenged by an election petition that evidence in order to establish the fact that the money deposited by the petitioner in that case was at the disposal of the Election Commission was necessary, and that the entry of the head of account in the treasury receipt was by itself not sufficient to show that the deposit was in favour of the Secretary to the Election Commission. The argument was sought to be built upon the observation of the Supreme Court in *Kamraj Nadar's case* (*Supra*) about the evidence which could be led before the Tribunal to show that the Election Commission could on an application in that behalf be in a position to realise the amount of deposit and that the amount was at its disposal and under its control. All that the learned Judges of the Allahabad High Court decided was that even without such evidence the inference of the deposit having been made in favour of the Secretary to the Election Commission could be arrived at if the head of account prescribed by the Central Government for the deposit of security for the costs of the election petition was correctly shown in the treasury receipt. The learned Judges could not and did not lay down the proposition contended for by the learned counsel for the appellant contrary to the decisions of the Supreme Court referred to earlier. In our judgment, the deposit made by the respondent No. 1 was in compliance with section 117 of the Act.

16. The next contention advanced on behalf of the appellant that requires consideration is as to the inclusion of the name of the respondent No. 1, Shri Mani, in the electoral roll of the Bhopal Assembly Constituency. The argument of the learned counsel for the appellant was that the said respondent's name was illegally entered in the electoral roll and, therefore, his nomination paper was improperly accepted. It was said that Shri Mani was not "ordinarily resident" in Bhopal, that the order passed with regard to his enrolment in the Bhopal Constituency was not by the competent authority and after due compliance with the procedure laid down in sections 21 to 23 of the Representation of the People Act, 1950 and rules 25 and 26 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956; and that consequently Shri Mani's enrolment in the Bhopal Constituency was without jurisdiction. Learned counsel proceeded to say that under sec. 17 of the Representation of the People Act, 1950, no person was entitled to be registered in the electoral roll for more than one constituency; that on the date of nomination Shri Mani was actually registered in the electoral roll of Bhopal Constituency as well as of the Nagpur Legislative Assembly; and that thus he was not qualified to be chosen to the Rajya Sabha and his nomination paper should have been rejected. According to the learned counsel, the acceptance of the nomination of Shri Mani was improper and could be challenged in the election petition under sec. 100(1) (d) (i) of the Representation of the People Act, 1951.

In our opinion, it is not open to the appellant to question in these proceedings the validity of the acceptance of Shri Mani's nomination on the ground urged by him. Under section 100(1)(d)(i), the Tribunal can declare the election of a returned candidate to be void if it is of opinion that the result of the election, in so far as it concerns a returned candidate, has been materially affected by improper acceptance of any nomination. The earlier clause, namely, clause (c), relates to the power of the Tribunal to declare the election to be void if it is of opinion that any nomination paper has been improperly rejected. As laid down by the Supreme Court in *Veluswami Vs. Raja Nainar* (A.I.R. 1959 S.C. 422), the word 'improper' which occurs in both section 110(1)(c) and section 100(1)(d)(i) bear the same meaning and they provide a remedy to persons who are aggrieved by an order improperly rejecting or improperly accepting any nomination paper, that the improper rejection or acceptance must have reference to section 36(2) and that the rejection of a nomination paper of a candidate who is qualified to be chosen as a candidate for election and does not suffer from any of the disqualifications mentioned in section 36(2) would be improper within section 100(1)(c) and that, likewise, acceptance of a nomination paper of a candidate who is not qualified or who is disqualified will be equally improper under section 100(1)(d)(i). Thus an election cannot be declared to be void on the ground of improper acceptance of any nomination unless the ground rendering the nomination invalid is one falling under section 36(2). Before the Tribunal, the enquiry under section 100(1)(d)(i) can embrace only those matters as to qualification or disqualification mentioned in section 36(2) of the Act of 1951. The grounds on which the learned counsel for the appellant has founded his objection as to improper acceptance of the respondent No. 1 Shri Mani's nomination are clearly not those falling under section 36(2) and which could be raised before the Returning Officer for the rejection of the nomination. It would not have been within the competence of the Returning Officer to entertain any such objection for the rejection of the nomination paper of the respondent No. 1. Again under sub-section (7) of section 36 of the Representation of the People Act, 1951, a certified copy of an entry in the electoral roll is conclusive evidence of the fact that the person referred to in that entry is an 'Elector' for that constituency unless it is proved that he is subject to any disqualification mentioned in section 16 of the Representation of the People Act, 1950. Section 16 of the Act of 1950 prescribes the disqualifications for registration in an electoral roll under three heads, namely, (a) that the person is not a citizen of India; (b) that he is of unsound mind and stands so declared by a competent court; or (c) that he is for the time being disqualified from voting under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections. The objections raised by the appellant to the validity of the respondent No. 1's nomination are clearly not based on any of these disqualifications. The position, therefore, is that the Returning Officer could not have embarked upon an enquiry into the question of the status of Shri Mani as an elector when his name was entered in the electoral roll of the Bhopal Constituency, and when it was not alleged that he was subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950. The Returning Officer had no other alternative but to accept the nomination paper of Shri Mani when it could not be rejected under section 36(2) and when section 62(1) of the Act of 1951 prescribes that every person who is for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency. If the Returning Officer had no power under Section 36(2) of the Act of 1951 to reject the nomination paper of the respondent No. 1 on the grounds put forward by the learned counsel for the appellant, it follows that the Tribunal also had no power to hold under Section 100(1)(d) an enquiry into these objections and hold on the basis of any one of them that the nomination paper of Shri Mani had been improperly accepted.

18. The appellant's objections to the acceptance of the respondent No. 1's nomination paper do not also come within section 100(1)(d)(iv) of the Act. The alleged illegality in the inclusion of the respondent's name in the electoral roll of Bhopal Constituency is founded on non-compliance with the provisions of sections 21 to 23 of the Representation of the People Act, 1950, and rules 25 and 26 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, and was said to be in violation of section 17 of the Act of 1950. But under Sub-clause (iv) of clause (d) of Section 100(1) the non-compliance must be with the provisions of the Constitution or of the Representation of the People Act, 1951, or of any rules or order made under that Act. Non-compliance with the provisions of the Act, of 1950 or of the rules thereunder does not fall within the scope and ambit of Sub-clause (iv). Section 100 was amended in 1956.

The section, as it stood prior to the amendment, gave to the Tribunal the power to declare the election of a returned candidate to be void if there was any non-compliance with the Constitution or with the representation of the People Act, 1951, or with the rules made thereunder or with any other Act or the rules relating to elections. By the amendment made by Act No. 27 of 1956 the scope of section 100 was narrowed down and now sub-clause (iv) of clause (d) of section 100(1) is confined only to non-compliance with the provisions of the Constitution or of the Representation of the People Act, 1951—or of any rules or orders under that Act. Thus sub-clause (iv) is of no avail to the appellant.

19. In this view of the matter, it is not necessary to examine in detail the merits of the appellants (objections) as regards the inclusion of the respondent No. 1's name in the electoral roll of Bhopal Constituency. It would suffice to say that the actual order directing the inclusion of the said respondent's name in Bhopal Constituency's electoral roll was made by the Collector, Sehore, who was the Electoral Registration Officer. The fact that Shri Mani went to Delhi from Nagpur to attend some meeting does not necessarily mean that he was not ordinarily resident in the Bhopal Constituency. Section 20(1) of the Act 1950 does not give a positive definition of 'Ordinarily resident'. It only says that a person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein. It is possible for a person to be ordinarily resident in two constituencies. This possibility is contemplated by section 17 of the Act of 1950 itself when it says that no person shall be entitled to be registered in the electoral roll for more than one constituency. The respondent No. 1's name was deleted from the Nagpur constituency on 2nd February 1960, and on the date of the nomination he was registered only in one constituency, namely, Bhopal constituency. The question, therefore, whether a person whose name has been entered in the electoral roll for more than one constituency can be validly nominated from any constituency does not arise for consideration. We may further add, without expressing any concluded opinion, that section 17 of the Act of 1950 only says that no person shall be entitled to be registered in the electoral roll for more than one constituency. This provision cannot be read as imposing a bar on a person prohibiting him from voting or standing for election from any constituency if his name has been erroneously entered in the electoral roll for more than one constituency. There is no provision in the Act of 1950 and 1951 dealing with the contingency of a person being registered through mistake in the electoral roll for more than one constituency. On the other hand, section 62(1) of the Act of 1951 provides that every person who is for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency. It is difficult to read section 17 of the Act of 1950 as controlling the meaning of section 62 of the Act of 1951 so as to give the latter provision the sense that if a person is registered in the electoral for more than one constituency he shall not be entitled to vote in any constituency.

20. The last contention advanced on behalf of the appellant that the publication of the list of candidates was not in conformity with section 38 of the Act of 1951 is of unsubstantial character. Section 38 requires that immediately after the expiry of the period within which the candidates may withdraw, the Returning Officer shall prepare and publish in the prescribed form and manner a list of contesting candidates containing the particulars mentioned in sub-section (2) of section 38. The list must give the names in alphabetical order the addresses of the contesting candidates as given in the nomination papers. Rule 11 of the Representation of the People (Conduct of Elections and Election Petitions) Rule, 1956, deals with the preparation and publication of the list of contesting candidates. Sub-rules (4) and (5) of this Rule run as follows :—

“(4) The returning officer shall immediately after its preparation cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and shall also supply a copy thereof to each of the contesting candidates or his election agent.

(5) If a poll becomes necessary under sub-sec. (1) of sec. 53, the returning officer shall publish the list of contesting candidates in the official Gazette.”

The Tribunal has found that the list of candidates was published in accordance with section 38 and rule 11 and that it contained all the necessary particulars; and that the list was sent by the Returning Officer on 10th March 1960 for

publication in the Madhya Pradesh Government Gazette and also to the Election Commission of India on the same day for being published in the Government of India Gazette. The list was published in the local Gazette on 11th March 1960 and in the Government of India Gazette on 23rd March, 1960.

21. Before us, the appellant's only objection on this score was that the list was published in the Government of India Gazette only a day before the date of election and this publication did not give sufficient notice to the members of the Legislative assembly. We do not think that the entire election can be invalidated on this ground. The object of section 38 and rule 11 is no doubt to give information to the electors about the contesting candidate and to the candidates themselves. For this purpose what is essential under rule 11 is that the returning officer should immediately after the preparation of the list cause a copy of it to be affixed in some conspicuous place in his office and to supply a copy thereof to each of the contesting candidate or his election agent. This was done in the present case, and it is not the contention of the appellant that sub-rule 4 of rule 11 was not complied with. The list was also published in the Government of India Gazette *albeit* a day before the election. It is no doubt desirable that the publication in the Gazette should be some days in advance of the date of election. Sub-rule (5) does not, however, prescribe any fixed time which must elapse between the publication in the Gazette of the list of contesting candidate and the holding of election. That being so, the publication in the Gazette just a day before the election cannot be regarded as any non-compliance of the Representation of the People Act, 1951, or of any rules made thereunder, invalidating the entire election under section 100(1)(d) (iv) of the Act.

22. Before dealing with the question whether the Tribunal declared the respondent No. 1 as only as elected on the miscount found by it without a fresh recount being taken, it would be convenient to dispose of the argument of respondent No. 7 Shri Agnibhoj that Shri Mani was not a duly nominated candidate and he, that is Shri Agnibhoj, and the respondent No. 2, Shri Bhanu Pratap Singh, were the only two persons who had been duly nominated as they alone had deposited Rs. 250 as required by section 34 of the Act. The Tribunal rightly held that the written statement of Shri Agnibhoj containing this objection was a recrimination petition which could not be entertained for his failure to comply with the requirement of the proviso to section 97(1) of the Act. The respondent No. 7 cannot, therefore, be heard here on his objection resting on section 34.

23. On the question whether the respondent No. 1 was declared to be duly elected as a result of a fresh recount by the Tribunal, learned counsel was not inclined to address any argument though he took in the memorandum of appeal a specific ground that no fresh result could be declared by reference only to a single ballot paper without there being a fresh recount. Learned counsel could not bring himself round to urge in the alternative anything on the question of recount if an election petition on the ground of miscount is maintainable and if mistake on the part of the Returning Officer in counting is found by the Tribunal. However, if we understood him rightly, he seemed disposed to suggest that on the Tribunal finding that there has been a mistake in counting on the part of the returning Officer it must set aside the entire election and direct the Returning Officer to hold a recount and declare the result according to the rules, and that the Tribunal itself has no power to do the recounting and declare a particular candidate as duly elected. We are unable to accept this suggestion. If, as we think, an election petition is maintainable on the ground of miscount and the Tribunal has the power to find out whether there has been a mistake on the part of the Returning Officer in counting, then it stands to reason and logic to hold that the Tribunal has the power to do the recounting itself and declare the result of the election. For this purpose the Tribunal may take the assistance of the Returning Officer and may direct him to do the recounting before it. But where in an election petition founded on a ground of miscount the applicant prays that he be declared as duly elected on fresh recount, the adjudication whether the petitioner has or has not been duly elected must be of the Tribunal and not of the Returning Officer. There is nothing in the Representation of the People Act, 1951, or in the rules to show that in such a case the recounting and the fresh declaration of the result must be by the Returning Officer. Indeed, it would be altogether anomalous to hold that the Tribunal has the power to detect a mistake in counting but it has not the power to do the recounting and adjudge the result of the correct counting. So to hold

would lead to the strange result of there being successive election petitions on the ground of miscount if each time the Returning Officer commits a mistake in counting, and of there being no final adjudication by the Tribunal on the validity of the elections. We do not think such a result is contemplated either by section 100 of the Representation of the People Act, 1951, or the Representation of the People (Conduct of Election and Election Petition) Rules, 1956. In this connection, a reference may be made to the English practice of 'recounting' which has been stated in Halsbury's Laws of England (Paragraph 560, vol. 14, edn. 3rd at page 310) thus—

"If the application is granted the usual practice is to order the recount to be taken before the trial by an officer appointed for the purpose; the order directing it, further more, generally directs that it shall be taken at the Royal courts of Justice. The respondent's ballot papers are counted by the petitioner and are handed to the respondent to be checked by him, and then those for the petitioner are similarly dealt with by the respondent. If any are disputed, the opinion of the officer is sometimes asked and given, and if any paper remains disputed by either party, the officer reserves it for the decision of the election court, setting it out in his report thereto. After the counted ballot papers have been thus disposed of, the rejected ballot papers are dealt with in like manner."

It has been noted in foot note (d) (p. 310, vol. 14 3rd edn.) that in *Stepney Division, Tower Hamlets, case A* [(1886), 4 O'M. & H. 34, at page 51, Denman J. himself counted the ballot papers, the practice, desiring that he might do so in order to save time and expense and that in *Renfrew (Country)* case (1874) 2 O'M. & H. 213], the recount took place in open court.

24. Here, it is not correct to say that no recounting was done by the tribunal. It is true that after finding that the Returning Officer committed a mistake in recounting the Tribunal did not in so many words direct a recount. But it is evident from the discussion in paragraphs 40 to 44 of the judgment under appeal that all the ballot papers were examined before the Tribunal and the only mistake that was discovered in the counting done by the Returning Officer was as regards his omission to give credit to the respondent No. 1 for the 'third preference vote' referred to earlier in this judgment. The Tribunal has expressly observed in paragraph 44 of the judgment that 'In other respects the counting of votes was not in any way challenged nor was method of calculation.' This would show that the parties were agreed that there was only one mistake in the counting done by the Returning Officer, namely, the omission to evaluate the third preference recorded in respondent No. 1's favour in one ballot paper and if that was taken into account the respondent No. 1 would secure more points than the appellant. We have also examined the ballot paper and satisfied ourselves that in the counting done by the Returning Officer there was no error other than that found by the Tribunal. The Tribunal was thus right in declaring the respondent No. 1 as duly elected.

25. For the foregoing reasons, our conclusion is that the decision of the election Tribunal is right, and that this appeal must be and is dismissed with cost of the respondent No. 1, Shri Mani. Counsel's fee is fixed at Rs. 350.

(Sd.) P. V. DIXIT,

Chief Judge.

27-4-1961.

(Sd.) K. L. PANDEY,

Judge,

27-4-1961.

[No. 82/13/60.]

By order,

(K. K. SETHI, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 1st June 1961

S.O. 1306.—In exercise of the powers conferred by clause (1) of article 239 of the Constitution, the President hereby makes the following amendment in

the notification of the Government of India in the Ministry of Home Affairs No. F.2/3/57-J.II (S.R.O. 3034) dated the 18th September, 1957, namely:—

In the said notification, for the expression "Assistant Secretary", the expression "Under Secretary" shall be substituted.

[No. F. 2/4/61.Judl. II.]

K. R. PRABHU, Dy. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 2nd June 1961

S.O. 1307.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following regulations to amend the Civil Service Regulations, namely:—

1. These regulations may be called the Civil Services (Sixteenth Amendment) Regulations, 1961.

2. In the Civil Service Regulations, the Note below clause (1) of Article 746 shall be numbered as Note 1 thereof, and after the Note as so numbered the following Note shall be inserted, namely:—

"2.—No award shall be made under the rules in this Section in respect of civilian officer who is deputed on foreign service under the U.N. bodies on or after the 1st January, 1958 and who is allowed to join the U.N. Joint Staff Pension Fund as an 'Associate Member'."

[No. F. 2(2)-EV(B)/61/I.]

S.O. 1308.—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following rules amending the Central Civil Services (Extraordinary Pension) Rules, namely:—

1. These rules may be called the Central Civil Services (Extraordinary Pension) Second Amendment Rules, 1961.

2. In the Central Civil Services (Extraordinary Pension) Rules, below rule 2 the following note shall be inserted, namely:—

"NOTE.—No award shall be made under these rules in respect of a civilian officer who is deputed on foreign service under U.N. bodies on or after 1st January, 1958 and who is allowed to join the U.N. Joint Staff Pension Fund as an 'Associate Member'."

[No. F. 2(2)-EV(B)/61/II.]

N. K. BHOJWANI, Dy. Secy.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of May, 1961.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	28,31,59,000		A. Gold Coin and Bullion :—		
Notes in circulation . .	1963,24,43,000		(a) Held in India . . .	117,76,03,000	
Total Notes issued . . .		1991,56,02,000	(b) Held outside India	
			Foreign Securities . . .	113,00,89,000	
			TOTAL OF A . . .		230,76,92,000
			B. Rupee Coin . . .		118,85,40,000
			Government of India Rupee Securities . . .		1641,93,70,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES . .		1991,56,02,000	TOTAL ASSETS . . .		1991,56,02,000

Dated, the 31st day of May, 1961.

B. VENKATAPPIAH,
Deputy Governor.

[No. F.3(2)-BC/61.]

A. BAKSI, Jr. Secy.

(Department of Economic Affairs)*New Delhi, the 1st June 1961*

S.O. 1310.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949, (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Southern Bank Ltd., Calcutta in respect of the property held by it at Basirhat Town, 24 Paraganas, West Bengal, till the 31st December, 1962.

[No. F. 4(71)-BC/61.]

New Delhi, the 5th June 1961

S.O. 1311.—In pursuance of sub-section (7) of Section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby specifies the 17th June, 1961 as the prescribed date in relation to the scheme for the amalgamation of the Seasia Midland Bank Ltd. with the Canara Bank Ltd. which has been sanctioned by the Central Government and published as S.O. 1104 in Part II Section 3 sub-section (ii) of the Gazette of India Extraordinary dated the 16th May, 1961.

[No. F.4(134)-BC/60(III).]

S.O. 1312.—In pursuance of sub-section (7) of Section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby specifies the 17th June, 1961 as the prescribed date in relation to the scheme for the amalgamation of the Venadu Bank Ltd. with the South Indian Bank Ltd. which has been sanctioned by the Central Government and published as S.O. 1105 in Part II Section 3 sub-section (ii) of the Gazette of India Extraordinary dated the 16th May, 1961.

[No. F.4(134)-BC/60(IV).]

New Delhi, the 6th June 1961

S.O. 1313.—In pursuance of Sub-Section (7) of Section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby specifies the 17th June, 1961 as the prescribed date in relation to the scheme for the amalgamation of the Kottayam Orient Bank Ltd. with the State Bank of Travancore, which has been sanctioned by the Central Government and published as S.O. 1102 in Part II Section 3 Sub-Section (ii) of the Gazette of India Extraordinary, dated the 16th May, 1961.

[No. F. 4(134)-BC/60(I).]

S.O. 1314.—In pursuance of sub-section (7) of section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby specifies the 17th June, 1961, as the prescribed date in relation to the scheme for the amalgamation of the Bank of New India Ltd. with the State Bank of Travancore which has been sanctioned by the Central Government and published as S.O. 1103 in Part II, Section 3 sub-section (ii) of the Gazette of India Extraordinary, dated the 16th May, 1961.

[No. F. 4(134)-BC/60(II).]

D. N. GHOSH, Under Secy.

(Department of Revenue)

ORDER
STAMPS

New Delhi, the 1st June 1961

S.O. 1315.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the lease deeds dated the 4th May, 1961, executed in favour of the High Commissioner for the United Kingdom in India in respect of property at 8-A, Ratandone Road, New Delhi, are chargeable under the said Act.

[No. 4.]

L. S. MARTHANDAM, Under Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 31st May 1961*

S.O. 1316.—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments in the Schedule appended to its Notification S.O. 660 No. 35, dated the 22nd April, 1958, namely:—

In the said Schedule:

under the sub-head "XII-Madras"

(a) against Tiruchirappalli Range, the following entry shall be deleted:—

'7. Vellore Circle'.

and the existing serial numbers '8' and '9' shall be renumbered as '7' and '8'.

(b) against Madras Range, the following entry shall be added:—

'16. Vellore Circle'.

This notification shall take effect from the 10th June, 1961.

Explanatory Note

NOTE.—The amendments have become necessary on account of re-distribution of work among Appellate Assistant Commissioners, Madras and Tiruchirappalli.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 32 (F. No. 50/12/61-IT.)]

D. V. JUNNARKAR, Under Secy.

OFFICE OF THE SUPERINTENDENT OF CENTRAL EXCISE AND LAND CUSTOMS, VAPI**NOTICE***Vapi, the 2nd June 1961*

S.O. 1317.—Whereas it appears that the below-mentioned unclaimed goods which were seized by the C.I.D. Staff on 15th April, 1961, at about 21—30 hours at Keodi Faria were imported from Daman by an unauthorised route in contravention of section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industry Imports (Control) Order No. 17/55 of 7th December, 1955, as amended and issued under section 3 and 4A of the Imports and Exports (Control) Act 1947 and deemed to have been issued under section 19 of the Sea Customs Act, 1878.

2. Now therefore any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Bombay Division III, Constructions House, Ballard Estate Fort, Bombay No. 1, why the below-mentioned goods should not be confiscated under section 5(3) of the Land Customs Act 1924 and section 167(8) of the Sea Customs Act 1878 read with section 3(2) of the Imports and Exports (Control) Act 1947.

3. If such an owner fails to turn up to claim the ownership of the goods as mentioned below or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, New Delhi, the goods in question will be treated as unclaimed property and the case will be decided accordingly, by the Assistant Collector of Central Excise, and Land Customs, Bombay Division III.

Description	Quantity value
Wrist watches "Bifora" Made in Germany-Rolled Gold frame stainless steel back, Centre second, Antimegnetic, 21 jewels.	25 Nos. 3125-00

[No. VIII(b)15-81/61.]

K. M. SHAH, Superintendent.

CENTRAL EXCISE COLLECTORATE, DELHI

CENTRAL EXCISE

New Delhi, the 3rd June 1961

S.O. 1318.—In supersession of all Notifications issued in this connection from time to time, in pursuance of Rule 5 of Central Excise Rules, 1944 I hereby empower the Central Excise Officers not below the rank specified in column (1) of the following table to exercise within their respective jurisdiction, the powers of a "Collector" conferred by the provisions of the rules enumerated in column (2) of the table, subject to the limitations, if any, set out in column 3 thereof:—

TABLE

Rank of Officer	Central Excise Rules	Limitation if any
1	2	3
Sub-Inspector	144 158 185 }	These powers should be exercised for clearance of tobacco from Bonded warehouses only in the case of Class III & IV categories subject to periodical post checks by the Inspector & Deputy Superintendent.
Inspector	27	The power to prescribe an alternative form of register as provided in sub-rule (2) of this Rule shall be exercised only by the Collector.
	153	
	177	
	200	
Superintendent	3	
	38	
	47(I)	In cases where there is no regular practice of storing oil in packed condition in vegetable non-essential oils Mills.
	47(I) & (3)	For vegetable non-essential oil mills see above.
	49 (First proviso)	(i) He may remit the excise duty on the manufactured exciseable goods other than tea provided the excise duty involved on the goods lost or destroyed by natural causes or by unavoidable accident during handling or storage in store-room, or other approved premises, does not exceed Rs. 250/- and (ii) The first information regarding loss or destruction of exciseable goods by natural causes or accident, such as flood, cyclone, fire etc. is sent within 24 hours of the occurrence or accident to the Circle Officer or Range Officer concerned. Any delay in furnishing the information by the owner of the goods may result in refusal to write off duty on such losses.

1	2	3
	49 (Second proviso)	The supervision over actual destruction of manufactured goods may be done by the Superintendent in cases where duty involved exceeds Rs. 250/- but does not exceed Rs. 1000/- in each case where duty involved is up to Rs. 250/- only in each case, the supervision over actual destruction may be done by the Deputy Superintendent.
	59	
	71(3)	
Superintendent	92-A(1) 96-O(1) 96-I(1)	To accept first ASP application for full period for which special procedure can be availed of.
	96-A(2) 96-O(2)	To accept first ASP application for a period less than the prescribed period.
	92-A(4) 96-O(4) 96-I(4)	(i) To accept renewal application in form A.S.P.
		(ii) Delays in submission of ASP application for renewal can be condoned provided the delays do not exceed 15 days.
	92-C(2) 96-Q(2) 96-K(2)	To condone delay in submission of application for removal in form A.R. 6, A.R. 7 & A.R. 8 and deposits not exceeding (i) 2 days in the case of weekly applications & deposits. (ii) 5 days in the case of monthly applications & monthly deposits.
Adjudicating Officer	92-E(ii) 96-S(ii) 96-M(ii)	Adjudicating Officer can confiscate the goods in accordance with their normal limits of power.
	92-E(iv) 96-S(iv) 96-M(iii)	Adjudicating Officer can impose penalty not exceeding Rs. 2000/- in accordance with their normal limits of powers.
	154	
	165(2)	
	196	(i) He may remit the excise duty on the manufactured excisable goods other than tea provided the excise duty involved on the goods to have been lost or destroyed by natural causes or unavoidable accident during handling or storage in the premises approved under Rule 192 does not exceed Rs. 250/-.

1	2	3
		(ii) The first information regarding loss or destruction of excisable goods by natural causes or accident, such as flood, cyclone, fire etc. should be sent within 24 hours of the occurrence of accident to the circle officer or Range Officer concerned. Any delay in furnishing this information by the owner of the goods may result in refusal to write off duty on such losses.
206(3)		Only for cases to be adjudicated by him. For cases to be adjudicated by other higher officer, the officer competent to adjudicate the case will exercise this power.
210-A		Where the value of goods does not exceed Rs. 1,000/-.
212		To direct destruction of confiscated tobacco up to a quantity of 9.33 quintals which due to its deteriorated condition fails to attract bidders to purchase it either on payment of duty or for rewarehousing.
224(i)		Subject to the conditions that the Superintendent will submit to the Collector a statement of all such applications in which overtime work was permitted by him at the end of each calendar month.
Assistant Collector and Headquarters Assistant Collector		<p>Under para 4 of the Government of India, Ministry of Finance Notification No. 53/59 dated 9-5-59.</p> <p>9(B)(2) & (3)</p> <p>To prescribe the amount of bond or to demand a general bond from the manufacturer, curer or owner of warehoused goods and to prescribe the terms and conditions thereof or to demand additional security or surety in case of amount of bond already executed is found inadequate.</p>
<p>12-(Provisos (iii), (v), & (vii) of Government of India Ministry of Finance (Revenue Division) Notification No. 10 C.E. dated 5-4-49 as reproduced on page 78 of the Central Excise Manual fifth Edition Proviso to Rule 12 added by the Government of India Notification No. CER/56 dated 14-7-56.</p>		
12-A		He shall grant rebate in cases where exports relate to ports other than major ports.
13		
14		

1	2	3
14-A	To issue demands for :— (1) Payment of duty and to impose penalty up to the limits prescribed in C.B.R.'s letter F. No. 2/15-CXI/51 dated 25-5-56 ; (2) Provided the duty involved in each individual case does not exceed Rs. 250/-.
27(4)	Provided the duty involved in each individual case does not exceed Rs. 250/-.
49 (First Proviso)	He may remit the excise duty on manufactured excisable goods other than tea. (i) Provided the excise duty involved on the goods to be destroyed does not exceed Rs. 1000/- and (ii) The first information regarding loss or destruction of excisable goods by natural causes or accident such as floods, cyclones, fire etc. is sent within 24 hours of the occurrence of accident to the circle officer or Range Officer concerned. Any delay in furnishing this information by the owner of the goods may result in refusal to write off duty on such losses.
49 (Second Proviso)	The supervision over actual destruction of manufactured excisable goods shall be done by the Assistant Collector in cases where the duty involved in each case exceeds Rs. 1000/-.
51	_____
52	Powers to relax the requirements of clearance application in triplicate shall be exercised by the Collector.
65(3) & (4)	_____
75	_____
Assistant Collector 96-I(2)	To accept first ASP application for a period less than the prescribed period.
92-A(3) 96-O(3) 96-I(3)	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure for which permission has been granted to him.
92-A(4) 96-O(4) 96-I(4)	To condone delay in submission of ASP application for renewal exceeding 15 days.

1	2	3
92-C(2) 96-O(2) 96-K(2)	To condone delay in submission of application for renewal in form A.R. 6, A. R. 7, A. R. 8 and in making weekly/monthly deposits, exceeding (i) 2 days in the case of weekly applications and weekly deposits and (ii) exceeding 5 days in the case of monthly applications and monthly deposits.
92-E(i) 96-S(I) 96-M(I)	}	To demand duty at full rate.
92-E(iii)	To debar a manufacturer from availing of special procedure.
96-s(iii) (No provision Powerlooms)	
92-F	The over-all discretionary power to extend special procedures to a manufacturer who has failed to avail of it or to comply with any conditions, laid in rules, are not to be exercised by any officer subordinate to Collector.
96-U	
96-MMMM	
93(b)	Cases where approval is given should be reported to the Collector.
97.	_____
100	_____
145	The Assistant Collector will exercise power under sub-para (a) to first proviso only after satisfying himself in each individual case (i) about the condition of tobacco and (ii) the genuineness of the reasons advanced for claiming extension.
147	Provided the duty involved in each individual case does not exceed Rs. 250/-.
183	_____
184	_____
185(i)	_____
189	_____
191-A	The Assistant Collector may only accept Bond-B-7(Sec) prescribed for the manufacture of articles under Rule 191-A. The conditions of the Bond and the amount of security etc. is to be prescribed by an officer not lower in rank than a Deputy Collector.
192	The power of fixing the cost of establishment of supervising operations is retained by the Collector.
193	_____

1	2	3
	196	He may remit the excise duty on manufactured goods other than tea provided the duty involved on the goods so lost does not exceed Rs. 500/-.
	210-A	Where the value of goods is more than Rs. 1000/- but not more than Rs. 5000/-.
	212	_____
	223-A	_____
	227(1)	_____
	229	_____
	230	_____
Licensing Authority.	43	_____
	44	_____
	46	_____
	47(3)	Where the Licensing authority is other than a Superintendent of Central Excise, <i>viz.</i> , Assistant Collector or Collector, the Power under this rule will be exercised by the Superintendent.
	48	The Securities in the shape of Government promissory Notes, Post Office Cash Certificates, Defence Saving or National Savings Certificates and Post Trust Bonds should be deposited with the Managers of the local Branches of the Reserve Bank of India or the District Treasuries (ii) Securities like the Post Office Savings Bank Pass Books, deposit receipts of Banks, fidelity bonds or agreements, shall be kept in the safe custody of the officers in whose favour they have been pledged.
	57(d) 140	Power to be exercised in respect of private bonded ware houses only. The security shall, however, not be demanded without the orders of the Collector.
	180	_____
	155	_____
Officers who originally accepted bond under Rule 140 and 164 of the Central Excise Rules, 1944.		

[No. 1/61] 1

K. NARRSIMHAN,

Collector of Central Excise, Delhi.

MINISTRY OF COMMERCE AND INDUSTRY*New Delhi, the 5th June 1961*

S.O. 1319.—In exercise of the powers conferred under sub-section (1) of section 6 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints Shri Rajendra Pratap Sinha, Member, Rajya Sabha as Vice-Chairman of the Central Silk Board, with effect from the 9th April, 1961.

[No. F. 22/1/61/HS(2).]

A. VISVANATH, Dy. Secy.

ORDERS*New Delhi, the 2nd June 1961*

S.O. 1320/IDRA/6/Am.(1).—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri S. N. Chatterjee, Superintendent, Machine Tools Prototype Factory, Ambarnath, to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce & Industry No. S.O. 1053, dated the 6th May, 1961, for the scheduled industries engaged in the manufacture or production of Machine Tools, till the 5th May, 1963 and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order, after entry No. 17 relating to Shri R. K. Gejji, the following entry shall be inserted, namely:—

“17A. Shri S. N. Chatterjee,
Superintendent, Machine Tools Proto-type
Factory, Ambarnath.”

“Technical knowledge”.

[No. 1(7)IA(IV)/60.]

New Delhi, the 6th June 1961

S.O. 1321/IDRA/6/8/AM.(1).—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be the members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1006, dated the 1st May, 1961, for the scheduled industries engaged in the manufacture or production of In-organic Chemicals, till the 30th April, 1963, and directs that the following amendments shall be made in the said Order, namely:—

(a) In paragraph 1 of the said Order, after entry No. 11 relating to Shri S. Ramaswamy, the following entry shall be inserted, namely:—

“11A. Mr. S. M. Smith, Shaw Wallace & Co.,
8/9, Thambuchetty Street, Madras.

“Owners”

(b) In paragraph 1 of the said Order, after entry No. 18 relating to Shri V. Rama Iyer, the following entry shall be inserted, namely:—

“18A. Shri P. K. Seshan, Development Officer, “Technical Knowledge”
Development Wing, Ministry of Commerce &
Industry, Udyog Bhavan, New Delhi.

(c) In paragraph 1 of the said Order, after entry No. 21 relating to Shri K. H. Parikh, the following entry shall be inserted, namely:—

“22. Dr. G. S. Kasbekar, Deputy Director, General
(Explosives Production), Directorate General
of Ordnance Factories, Calcutta.

“Consumers”

[No. 1(9)LA(IV)/60.]

CORRIGENDUM.*New Delhi, the 2nd June 1961*

S.O. 1322.—In the Order of the Government of India in the Ministry of Commerce and Industry No. S. O. 1004, dated the 28th April, 1961, for the existing entry No. 6 relating to “Shri M. M. Kale, read “Shri M. K. Kale”.

J. S. BAKSHI, Under Secy.

ORDER

New Delhi, the 3rd June 1961

S.O. 1323/IDRA/18G/61/61.—In exercise of the powers conferred by sub-section (i) of section 25 of the Industries (Development and Regulation) Act, 1951, (65 of 1951), the Central Government hereby directs that the powers exercisable by it under section 18G of the said Act, shall, in relation to the regulation and control of supply, distribution and price of cement in the Union territory of Himachal Pradesh, be exercisable also by the Director of Civil Supplies, Himachal Pradesh in the whole of Himachal Pradesh, and the District Magistrates of Himachal Pradesh within their Jurisdiction, subject to the conditions that:

- (i) no order shall be issued in exercise of the powers hereby delegated without the prior concurrence of the Central Government, and
- (ii) no order made in exercise of the powers so delegated shall have effect in so far as such order is repugnant to any order made by the Central Government under the said section 18G.

[No. CEM. 15(3)/61.]

R. NATARAJAN, Under Secy.

TEA CONTROL

New Delhi, the 1st June 1961

S.O. 1324.—Shri P. V. Ramaswamy relinquished charge of the office of Officer on Special Duty in the Tea Board, Calcutta with effect from the afternoon of 28th June 1960.

[No. 1(20)PLANT(A)/60.]

B. KRISHNAMURTHY, Under Secy.

ORDER

EXPORT TRADE CONTROL

New Delhi, the 10th June 1961

S.O. 1325.—In exercise of the powers conferred by Section 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order:—

Under the heading "B. RAW MATERIALS AND ARTICLES MAINLY UN-MANUFACTURED", for entry (b) of item 8, the following shall be substituted:—

"(b) Deoiled cotton seed meal (solvent extraction variety having oil content upto 3 per cent),"

[No. Export(1)/AM(46).]

S.O. 1326.—In exercise of the powers conferred by Sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order:—

Under the heading "A. ANIMALS, FOOD AND DRINK", after entry (iii) of item A—I—A, the following shall be inserted:—

"(iv) Black Buck (White variety),"

[No. Export(1)/AM(47).]

M. H. SIDDIQI, Under Secy.





(Indian Standards Institution)

New Delhi, the 30th May 1961

S.O. 1327.—In pursuance of the sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Marks, designs of which together with the verbal description of the designs and the titles of the relevant Indian Standards are given in the Schedule hereto annexed, have been specified.

These Standard Marks, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 15th June 1961.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)
1	IS:725 	IS:725-1956 Specification for Copper Wire Nails.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
2	IS:778 	IS:778-1957 Specification for Gunmetal Gate, Globe and Check Valves for Water, Steam and Oil only (not intended for use in Petroleum Industry)	Do.
3	IS:1156 	IS:1156-1957 Specification for Pearl Barley.	Do.
4	IS:1484 	IS:1484-1959 Specification for Rolled Oats (Quick-Cooking Type)	Do.

S.O. 1328.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Certain Products details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 15th June 1961.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per unit
1	Copper Wire Nails	IS:725-1956 Specification for Copper Wire Nails	One kg	4 nP
2	Gate, Globe and Check Valves	IS:778-1957 Specification for Gunmetal Gate, Globe and Check Valves for Water, Steam and Oil only (not intended for use in Petroleum Industry)	One lb	3 nP per unit with a minimum of Rs. 1,500.00 for production during a calendar year.
3	Pearl Barley	IS:1156-1957 Specification for Pearl Barley.	One kg	1 nP
4	Rolled Oats Quick Cooking (Type)	IS:1484-1959 Specification for Rolled Oats (Quick-Cooking Type).	One kg	$\frac{1}{2}$ nP

[No. MD/18:2.]

A. N. GHOSH, Director.

(Indian Standards Institution)

New Delhi, the 2nd June 1961

S.O. 1329.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian standard was notified.	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS: 709-1957 Specification for Medium Strength Aircraft Plywood.	S. O. 86 dated 22nd February 1958	No. 1 dated May 1961	In Table I, please add the following after the first two species of timber under the respective columns: Abbreviation Botanical Name Trade Name for Marking	1st June 1961
				Dysoxylum malabaricum Bedd.	white WCE cedar

(1)	(2)	(3)	(4)	(5)	(6)												
2.	IS: 1145-1957 Specification for Lead-Acid Storage Batteries for Motor Cycles.	S. O. 973 dated 31st May 1958	No. 1 dated May 1961	In clause 6.1, please delete the existing recommended dimensions and substitute the following :	1st June 1961												
				<table><tr><td></td><td>Type 1</td><td>Type 2</td></tr><tr><td>Length .</td><td>122 mm</td><td>127 mm</td></tr><tr><td>Width .</td><td>92</td><td>92</td></tr><tr><td>Height .</td><td>162</td><td>171</td></tr></table>		Type 1	Type 2	Length .	122 mm	127 mm	Width .	92	92	Height .	162	171	
	Type 1	Type 2															
Length .	122 mm	127 mm															
Width .	92	92															
Height .	162	171															

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232 Dr. Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13; and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13:5.]

S.O. 1330.—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

S1. No.	No. and Title of the Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1.	IS: 1255—1958 Code of Practice for Installation and Maintenance of Paper-Insulated Power Cables (Up to and Including 33 kV)	S. O. 74 dated 9th January 1960	In sub-clause 10.1.2.1 at page 16, please read '6 kg/cm' for '13 kg/cm' in line 2 and '2 cu m/min. for '1.6 cu m/min' in line 3.
2.	IS: 1609—1960 Code of Practice for Laying Damp-Proof Coursing Using Bitumen Felts.	S. O. 100 dated 14th January 1961	In clause 6.1(b) (ii) at page 13, please read 'Type 2, Grade 3' for 'Type 3, Grade 2'.

(Copies of these errata slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor 11 Sooterkin Street, Calcutta-13; and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13:6.]

New Delhi, the 5th June 1961

S. O. 1331—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that ten licences, particulars of which are given in the Schedule hereto annexed have been renewed.

THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article covered by the licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-9 11-6-1956	14-6-61	13-6-64	Messrs. Jeewanlal (1929) Limited, Sree Ganeshan Aluminium Works, No. 1 Singara Garden, 4th Lane, Washermanpet, Madras.	Wrought Aluminium Utensils	IS: 21-1959 Specification for Aluminium and Aluminium Alloy for Utensil (<i>Second Revision</i>)
2	CM/L-10 11-6-1956	14-6-61	13-6-64	Messrs. Jeewanlal (1929) Limited, Crown Aluminium Works 26, Parel Tank Road, Bombay-12	Do.	Do.
3	CM/L-11 11-6-1956	14-6-61	13-5-64	Messrs. Jeewanlal (1929) Limited, Crown Aluminium Works 95, Grand Trunk Road, P. O. Bellur Math, Distt. Howrah.	Do.	Do.
4	CM/L-27 20-5-1957	1-6-61	31-5-64	Messrs. Electrical Mfg. Co. Ltd. EMC Gardens, 136, Jessore Road, Calcutta-28.	Hard-Drawn Stranded Aluminium and Steel Cored Aluminium Conductors for Overhead Power Transmission Purposes.	IS: 398-1953 Specification for Hard-Drawn Stranded Aluminium and Steel Cored Aluminium Conductors for over head Power Transmission Purposes.
5	CM/L-87 21-5-1958	2-6-61	1-6-62	Messrs. Bagdogra Plywood Factory, P. O. Bagdogra Distt. Darjeeling (W. Bengal).	Tea-Chest Plywood Panels.	IS: 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
6	CM/L-123 21-5-1959	1-6-61	31-5-62	The Eastern Plywood Co. Pvt. Ltd., Pappinisseri (Kerala State)	Do.	Do.

7	CM/L-124 21-5-1959	1-6-61	31-5-62	The Western India Plywoods Ltd., Baliapatam, Cannanore Distt. Kerala State.	Do.	Do.
8	CM/L-188 27-4-1960	15-5-61	14-5-62	Messrs. Bharat Starch and Chemicals Ltd., P.O. Yamuna Nagar (Rly. Station Jagadhari) Distt. Ambala.	(i) Maize Starch for use in the Cotton Textile Industry. (ii) Edible Maize Starch (Corn Flour)	IS : 1184-1957 Specification for Maize Starch for use in the Cotton Textile Industry. IS : 1005-1957 Specification for Edible Maize starch (Corn Flour).
9	CM/L-189 27-4-1960	15-5-61	14-5-62	Messrs. Gautam Electric Motors Pvt. Ltd., 42 Okhla Industrial Estate, New Delhi-19	Three-Phase Induction Motors from 1 HP to 5 HP.	IS : 325-1959 Specification for Three-Phase Induction Motor (<i>Revised</i>).
10	CM/L-190 25-5-1960	1-6-61	31-5-62	The Indian Turpentine & Rosin Co. Ltd., P. O. Clutterbuckganj, Bareilly (UP).	Rosin (Gum Rosin)	IS : 553-1955 Specification for Rosin (Gum Rosin.)

[No. MD/12 : 42]

S. O. 1332—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that ten licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-301 17-5-1961	20-5-61	19-5-62	Messrs. National Saw and Plywood Works, Makum Road, Tinsukia (Assam).	Tea-Chest Plywood Panels.	IS : 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
2	CM/L-302 25-5-1961	1-6-61	31-5-62	Messrs. National Plywood Industries, 6 Gorapada Sarkar Lane, Calcutta -4.	Do.	Do.
3	CM/L-303 30-5-1961	15-6-61	14-6-62	Messrs. Tata-Fison Ltd., Pandit Motilal Nehru Road, Jumna Kinara, Agra.	BHC Water Dispersible Powder Concentrates.	IS : 562-1958 Specification for BHC Water Dispersible Powder Concentrates (<i>Revised</i>).
4	CM/L-304 30-5-1961	15-6-61	14-6-62	Do.	DDT Water Dispersible Powder Concentrates.	IS: 565-1955 Specification for DDT Water Dispersible Powder Concentrates.
5	CM/L-305 30-5-1961	15-6-61	14-6-62	Messrs. India Supplies Engineering Works, Ltd., 84/22, Fazalganj, Kanpur.	Small AC and Universal Electric Motors with Class 'A' Insulation.	IS : 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.
6	CM/L-306 30-5-1961	15-6-61	14-6-62	Messrs. Hindustan Breakfast Food Manufacturing Factory, Najafgarh Road, Industrial Area, New Delhi-15.	Pearl Barley.	IS : 1156-1957 Specification for Pearl Barley.
7	CM/L-307 30-5-1961	15-6-61	14-6-62	Do.	Rolled Oats (Quick-Cooking Type)	IS : 1484-1959 Specification for Rolled Oats (Quick-Cooking Type).

8	CM/L-308 30-5-1961	.	.	15-6-61	14-6-62	Messrs. Devidayal (Sales) Private Ltd., Gupta Mills Estate, Reay Road, Darukhana, Bombay-10.	DDT Water Dispersible Powder Concentrates.	IS : 565-1955 Specification for DDT Water Dispersible Powder concentrates.
9	CM/L-309 30-5-1961	.	.	1-7-61	30-6-62	Messrs. Jayant Metal Manufacturing Company, 924-A, Sayani Road, Bombay-28.	Copper Wire Nails of the following types : (a) Rose head boat nails, square shank, square point. (b) Countersunk head boat nails, square shank, sharp square point.	IS : 725-1956 Specification for Copper Wire Nails.
10	CM/L-310 30-5-1961	.	.	15-6-61	14-6-62	Messrs. Aminchand Payarelal, Tanda Road, Jullundur City.	Gunmetal Gate, Globe and Check Valves for Water, Steam and Oil only (Not Intended for Use in Petroleum Industry).	IS : 778-1957 Specification for Gunmetal Gate, Globe and Check Valves for Water, Steam and Oil only (Not Intended for Use in Petroleum Industry).

[No. MD/12 : 592]

C. N. MODAWAL,
Deputy Director, (Marks)

ERRATUM

The S.O. No. of Indian Standard Institution's notification No. MD/13:2, dated 23rd May, 1961, appearing on page 1194 of the Gazette of India Part II-section (3) (ii), dated 3rd June, 1961, should be "1248".

MINISTRY OF STEEL, MINES & FUEL

(Department of Mines and Fuel)

New Delhi, the 2nd June 1961

S.O. 1333.—Whereas it appears to the Central Government that Coal is likely to be obtained from the land mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

(Loiya Block)

[Drawing No. Rev./98/60.]

Dated 9-11-1960.

Sl. No.	Village	Thana	Thana No.	District	Area in acres	Remarks
1.	Loiya	Mandu	162	Hazaribagh	1283.60	Part
2.	Danea	Gumla	32	Hazaribagh	8.50	Part
3.	Tilaiya	Gumla	35	Hazaribagh	25.60	Part
					Total : 1317.70 acres (Approx).	

Boundary Description:

A.B. line passes through village Loiyo of Mandu Thana.

BC line passes through village Loiyo of Mandu Thana.

C.D. line passes along part of the common boundary of thana Mandu and Gumla.

DEFG line passes along the Right Bank of River Chotha.

G.H.A. line passes through village Loiyo of Mandu Thana.

The maps of the area can be inspected at the office of the National Coal Development Corporation Ltd., (Revenue Section), "Darbhanga House", Ranchi or at the office of the Deputy Commissioner, Hazaribagh.

[No. C2-20(13)/60.]

S.O. 1334.—Whereas it appears to the Central Government that coal is likely to be obtained from the land mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE.

Drawing No. Rev./97/60.
Dated 9-11-1960.

(Pundi Block)

Sl. No.	Village	Thana	Thana No.	District	Area in Acres	Remarks
1.	Mandu	Mandu	114	Hazaribagh	569.60	Part.
2.	Kekebasaudi	Mandu	115	Hazaribagh	300.80	Part.
3.	Pundi	Mandu	116	Hazaribagh	2131.40	Part.
4.	Parej	Mandu	117	Hazaribagh	7.00	Part.
5.	Barughutu	Mandu	118	Hazaribagh	5.00	Part.
6.	Duni	Mandu	119	Hazaribagh	135.00	Part.
7.	Bongahara	Mandu	120	Hazaribagh	371.20	Part.
Total :—					3520.00 Acres (Approximately)	

Boundary Description:

AB line passes through villages Kekebasaudi, Pundi and Parej.

BCDEFGHIJ line passes along the left bank of River Bokaro, through villages Pundi and Duni, again along left bank of River Bokaro.

JK line passes through villages Duni and Bongahara.

KLMN line passes along Boundary line of villages Bongahara, Pundi and Mandu.

NO line passes through village Mandu.

OA line passes through villages Mandu and Kekebasaudi.

The maps of the area can be inspected at the office of the National Coal Development Corporation Ltd., (Revenue Section), "Darbhanga House", Ranchi or at the office of the Deputy Commissioner, Hazaribagh.

[No. C2-20(13)/60.]

B. ROY, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 2nd June 1961

S.O. 1335.—In exercise of the powers conferred by sub-clause (ii) of clause (b) of section 3 of the Drugs Act, 1940, (23 of 1940), the Central Government in supersession of the notifications of the Government of India in the Ministry of Health No. F. 1-10/56-D dated the 20th October, 1956, F. 1-40/59-D, dated the 22nd April, 1960, and No. F. 1-50/59-D, dated the 15th June, 1960, hereby specifies as drugs the following substances, namely:—

1. Contraceptives except mechanical ones.

2. *Insecticides.*

(1) Dichophane (Dichloro Diphenyl Trichloroethane) and its preparations.

(2) Pyrethrum and its preparations.

(3) Benzene Hexachloride and its preparations.

(4) Dieldrin and its preparations.

3. Disinfectants.

Coal Tar Disinfectant fluids, Black and white.

[No. F. 1-20/60-D.]

BASHESHAR NATH, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 2nd June 1961

S.O. 1336.—In pursuance of clause (b) of section 2 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952), read with the notification of the Government of India in the Ministry of External Affairs G.S.R. No. 5 dated the 26th December, 1960, the Central Government hereby authorises the Secretary, General Administration Department, Pondicherry, in the State of Pondicherry, to perform the functions of a competent authority under the said Act for the whole area of the State of Pondicherry.

[No. EE.11(6)/60.]

New Delhi, the 3rd June, 1961

S.O. 1337.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, (32 of 1958), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Works, Housing and Supply No. S. O. 307, dated the 28th January, 1959, namely:—

In the Table appended to the said notification, for item 37 and the entries relating thereto, the following shall be substituted, namely:—

Designation of Officers	Categories of public premises and local limits of jurisdiction
<p>"37. (a) Shri Thakar Dass, P.C.S., Assistant Commissioner, Municipal Corporation of Delhi.</p> <p>(b) Shri H.D. Sharma, P.C.S., Assistant Commissioner, Municipal Corporation of Delhi."</p>	<p>Premises belonging to or under the administrative control of the Municipal Corporation of Delhi.</p>

[No. 14/3/60-Acc.]

R. C. MEHRA, Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 31st May 1961

S.O. 1338.—In exercise of the powers conferred by clause (j) of sub-section (1) of Section 57 of the Delhi Development Act 1957 (61 of 1957), the Delhi Development Authority, with the previous approval of the Central Government, hereby makes the following regulations, namely:—

CHAPTER I—GENERAL

1. Short title.—These regulations may be called the Delhi Development (Management of Properties) Regulations, 1961.

2. Definitions.—In these regulations, unless the context otherwise requires—

- (a) "Act" means the Delhi Development Act, 1957 (61 of 1957);
- (b) "Authority" means the Delhi Development Authority constituted under section 3 of the Act;
- (c) "Vice Chairman" means the Vice Chairman of the Delhi Development Authority.

CHAPTER II.

3. Property Register.—(1) The Lands Section in the office of the Authority shall maintain a proper and up-to-date record of all immovable properties belonging to the Authority in a Property Register.

(2) The register shall be maintained in Form A in respect of lands and in Form B in respect of built property.

4. Management of property.—Such officer of the Authority as may be put in charge of these properties, shall ensure that all properties of the Authority are entered in the property register. He shall also, after every three months, examine and certify that no property of the Authority is being misused or has been encroached upon or unauthorizedly occupied by any one.

5. Utilization and disposal of property.—Properties which have been acquired or purchased in pursuance of a scheme shall, as far as possible, be utilized for the execution of the same scheme. If any property which has been so acquired is later found to be surplus for the purposes of that scheme, the Authority may, subject to any directions given by the Central Government, utilize, let out, or dispose of that property in such manner and subject to such terms and conditions as it considers expedient.

6. Lease or disposal of property to be at market value.—If any property belonging to the Authority is let out or disposed of in the manner set forth in regulation 5, it shall be at the letting value or market value of the property, as the case may be, such value being fixed by the Authority.

7. Form of Transfer Deed.—The form of transfer deed to be used by the Authority for the lease or disposal of properties shall be such as may be approved by the Authority.

8. Stock Register.—A stock register shall be kept of all movable properties of the Authority in Form 'C' and 'D' appended to these regulations.

9. Physical verification of movable property.—Physical verification of the stock of movable properties of the Authority shall be done once every year by such officer as may be appointed by the Vice Chairman in this behalf.

FORM A

DELHI DEVELOPMENT AUTHORITY

Property Register (Lands)

Serial No.	Description of Property					Authority's Res. sanctioning purchase	Amount paid	Date of taking over possession	Date of handing over possession to PWD for works	Income if any from the property						REMARKS
	Estate No.	Khasra No.	Area with Description	Owner with Description	Purchased Acquired Nazul Land					Lessee with Description	Term of lease	Annual Rent	Total amount of rent demand	Total amount of rent outstanding	Reference in Dis- posal Register	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
							Rs.					Rs.	Rs.			

NOTE.—All areas should be expressed in acres and square yards.

FORM B
DELHI DEVELOPMENT AUTHORITY
Property Register (Built Property)

Particulars of Property

Sl. No.	Location		Area of land and its book value.		Total plinth area of the Building and its cost.		Useable floor area excluding Corridor, Verandah, but including baths, W.C., Kitchen & store.	Purpose for which purchased, acquired or constructed together with reference to resolution of Authority.	Date of construction, purchase, or acquisition.	Type of construction. Single, or multi-storeyed. (Give No. of storeys.)	Whether permanent, semipermanent or temporary.	Residential, or non-residential.	How used at present	Annual rent demand (if any)	Annual rent outstanding (if any)	REMARKS
	Ward No.	House No.	Area of land	Cost	Plinth area	Cost							14	15	16	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Note.—All areas should be expressed in acres and square yards.

FORM D
DELHI DEVELOPMENT AUTHORITY
(Moveable Property)
Register of Dead Stock Articles

Date of Purchase	Name of article and its description	Number or quantity	Value with Voucher No. and date	To whom allotted for use and the official responsible for custody	Initials of the officer in-charge	Results of physical verification			Orders of the Competent Authority for removal of items from the register	REMARKS
						Number or quantity found	Condition	Dated initial of verifying officer		
1	2	3	4	5	6	7	8	9	10	11

[No. F.1(50)/60-GA.]
KULWANT SINGH Secy.
Delhi Development Authority.

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi, the 1st June 1961*

S.O. 1339.—Whereas by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3163, dated the 22nd December, 1960, the Central Government has declared the Industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for a period of six months from the 22nd December, 1960;

And whereas the Central Government is of opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for a further period six months from the 22nd June, 1961.

[No. F.1/37/61.LRL]

New Delhi, the 3rd June 1961

S.O. 1340.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Ghugus Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY**REFERENCE No. CGIT-43 of 1960****Employer in relation to the Ghugus Colliery****AND****Their workmen.****PRESENT****Shri Salim M. Merchant, Presiding Officer.***Bombay: Dated 25th May 1961.***APPEARANCES:***For the employers:* Shri S. V. Kanade, Personnel Officer.*For the workmen:* Shri S. V. Pazarc, Branch Secretary, Bombay Pradesh Mine Workers' Union, (Ghugus Branch) Ghugus Colliery, with Shri Prahalad Punaji Jiwane, the workman directly concerned.**STATE:** Bombay.**INDUSTRY:** Coal.**AWARD**

The Government of India by the Ministry of Labour and Employment's Order No. 2/294/60-LRII dated 27th December, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) was pleased to refer the industrial dispute between the parties above-named in respect of the subject-matter specified in the following schedule to that order to me for adjudication:—

SCHEDULE

"Having regard to the nature of duties performed by Shri Prahalad Punaji Jiwane of Ghugus Colliery, whether the management is justified in placing him in category I as per Appendix XII of the Award of the All India Industrial Tribunal (Colliery Disputes); if not, whether he should be placed in Clerical grade III as per Appendix XVI of the said Award and if so, from what date after the 20th August 1960?"

2. The dispute centres round the short question whether the classification of Shri Prahalad Punaji Jiwane in category I under Appendix XII of the Award of the All India Industrial Tribunal (Colliery Disputes) (hereinafter referred to as the Majumdar Award) is justified considering the nature of his duties and if not whether he should be placed in the clerical grade III as per Appendix XVI of the said award.

3. The union claims that the management has, considering the duties performed by Shri Punaji Jiwane, wrongly classified him as an unskilled worker in category II on a basic wage of Rs. 1-1-6 as per Appendix XII of the award of the All India Industrial Tribunal (Colliery Disputes) and that he should properly be placed in the clerical grade III under that award and be paid the wages prescribed for grade III clerks.

4. It is admitted that Shri Punaji P. Jiwane joined service of this Colliery in 1950 and has since 1952 been working as an oil issuer. Under appendix XVI of the Majumdar Award oil issue clerks have been classified as grade III clerks and the short question for determination in this reference is whether, considering the duties performed by Shri Punaji Jiwane, he is entitled to the clerical grade III. The union's case throughout, and as stated by Shri Pazare at the hearing before me, has been that Shri Punaji P. Jiwane maintains the oil stock book and a daily and weekly oil register in which he enters the record of the oil distributed by him. Shri Punaji Jiwane stated before me at the hearing that since the last 14 years, under instructions from the Assistant Manager of the Colliery, Shri Chougule, he has also been maintaining an attendance register of those to whom he distributes oil. He further stated that there is a mazdoor who accompanies him when he distributes the oil and this mazdoor attends to the manual work of actually delivering the oil. In answer to questions put to him by Shri Kanade he stated that he issues the oil from 6 A.M. to 10 A.M. in the morning and between 2 P.M. and 6 P.M. in the evening. The management's argument is that the work of making the entries in the daily and weekly oil registers occupies Shri Punaji P. Jiwane for only about half an hour. But this does not include the time taken for maintaining the attendance register. The management's next contention was that it was not necessary for this workman to maintain these records as he is an oil mazdoor only and that he had been maintaining these records voluntarily. I am not satisfied with this plea of the management as it is quite clear that some record of the quantity of oil issued by Shri Punaji P. Jiwane and of the workmen to whom oil is issued by him, is being maintained regularly and I find it very difficult to accept the management's story that this record is being maintained by Shri Jiwane, voluntarily for his own safety and in the hope that he would be able to lay claim to a clerical post in a vacancy without his having been required to do by the management.

4. The management next contended that Shri Jiwane was not educationally qualified enough to do clerical work. Shri Jiwane has stated that he has studied upto 8th standard in English in the New English High School at Chanda. The nature of the clerical duties which a grade III clerk is required to do in a coal mine is of the simplest, and consists mainly of making simple entries in records and registers, and for which the Appellate Tribunal has fixed the scale of Rs. 43-3-82. The work of maintaining the registers which I am satisfied Shri P. Jiwane is required to maintain, is undoubtedly clerical work, on the tests laid down by Shri Harshidbhai Divatia in his Awards in the earlier Banks disputes. The fact that the clerical work has to be done only for a few hours in the day would not mean that the work done is not clerical. It was also admitted at the hearing that even non-matriculantes are holding posts of grade II clerks in the colliery. From the statements of the parties I satisfied that the nature of the duties performed by Shri P. Jiwane in the discharge of his duties is that of an oil issue clerk, and not of an oil mazdoor. It is significant that though under appendix XVI of the Majumdar Award there is an admitted category of oil issue clerks, the management has admitted that there is no workman holding that designation or category or post in this colliery.

5 Taking into account all the facts and circumstances of the case, I am inclined to the view that Shri Jiwane is doing the work of oil issue clerk and he is entitled to be paid the wages for grade III clerks fixed by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal dated 29th January, 1957. I, therefore, hold that having regard to the duties performed by Shri Punaji Jiwane of Ghugus Colliery the management was not justified in placing him in category I or II as per appendix III of the Majumdar Award, and that he should be placed in the clerical grade III as per appendix XVI of the said Award.

6. The next question to consider is from what date after 20th August, 1960, Shri P. Jiwane is entitled to the benefit of the scales of pay and dearness allowance of the clerical grade. Considering all the facts and circumstances of the case I think that he should be awarded basic wages and other benefits of a grade III clerk with effect from 1st September, 1960, and I award accordingly. I further direct that the arrears of pay and allowances due to Shri P. Jiwane under this award should be paid to him within a month of the date this award becomes enforceable.

7. I think this is a fit case where adequate provision for costs should be made in favour of the union. Considering that the return third class train fare from Chanda to Bombay V.T. comes to Rs. 38-4 for one person, and considering that it was necessary for the Secretary of the union and Shri Punaji P. Jiwane to attend the hearing at Bombay; I consider that a provision of Rs. 125 as costs in favour of the union would be adequate and I award accordingly. The amount of costs to be paid to the union within a week of the publication of this award.

No order as to costs.

SALIM M. MERCHANT, Presiding Officer.

[No. 2/294/60-LRII.]

ORDERS

New Delhi, the 31st May 1961

S.O. 1341.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Kirkend Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management was justified in keeping the workmen (mentioned below) idle for the period from 14th September 1958 to 19th May 1959 on the plea that they had been retrenched. If not, to what relief are they entitled

1. Shri Ghamadi Bhuia.
2. Shri Sheo Mangal.
3. Shri Prasadi Pasi
4. Shri Jitan Das.
5. Shri Faguni Bhuia.
6. Shri Manik Pasi.
7. Shri Ganari Bhuia
8. Shri Bhim Bhuya.
9. Shri Jago Bhuya.
10. Shri R. C. Tewari.

[No. 2/101/61-LRII.]

New Delhi, the 1st June 1961

S.O. 1342.—Whereas an industrial dispute between the employers in relation to the Jhagrakhand Collieries Limited and their workmen was referred for adjudication to the Industrial Tribunal, Dhanbad, and its award was published under the notification of the Government of India in the late Ministry of Labour No. S.R.O. 655 dated the 5th March 1956 in the Gazette of India Part II, Section 3, dated the 17th March, 1956;

And whereas in the opinion of the Central Government a doubt has arisen as to the correct interpretation of the said award on the question specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Section 36A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Industrial Tribunal at Dhanbad constituted under Section 7A of the said Act.

TUE SCHEDULE

Whether the award of the Industrial Tribunal Dhanbad in the industrial dispute between the employers in relation to the Jhagrakhand Collieries and their workmen is applicable to the daily-rated workers.

[No. 4/38/61-LRII.]

New Delhi, the 3rd June 1961

S.O. 1343.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nowrozabad Colliery, Post Office Nowrozabad, District Shahdol and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication

Now Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Taj Khan was justified and lawful and if not, what relief he is entitled to?

[No. 2/300/60-LRII.]

New Delhi, the 5th June 1961

S.O. 1344.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Religara Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Having regard to the nature of duties performed and experience gained as Fitters, by Sarvashri Mahamud Khan and Mohammad Ali, whether the management has correctly placed them in Category IV under the Award of the All India Industrial Tribunal (Colliery Disputes)? If not, what is the correct Category in which they should be placed and from what date?

[No. 2/59/61-LRII.]

New Delhi, the 6th June 1961

S.O. 1345.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Kurkend Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Rameshwar Turi, Miner, was justified. If not, what relief is the workman entitled to?

[No. 2/104/61-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 2nd June 1961

S.O. 1346.—In exercise of the powers conferred by sub-section (1) of the section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri P. Gopal to be an Inspector for the whole of the State of Madras for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the

Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry *vice* Shri M. M. Chitale.

[No. 31(773)/60-P.F.I.]

P. D. GAIHA, Under Secy.

ORDERS

New Delhi, the 2nd June 1961

S.O. 1347.—In exercise of the powers conferred by the second proviso to sub-section (3) of Section 19 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby extends the period of operation of the award of the National Industrial Tribunal, Bombay, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 578, dated the 4th March 1960 in the Gazette of India Extraordinary Part II, section 3, sub-section (ii), dated the 4th March, 1960, for a further period of nine months from the date of expiry of the period for which the operation of the said award was extended by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 737, dated the 1st April, 1961.

[No. 17/3/61/LRIV.]

S.O. 1348.—Whereas in the opinion of the Central Government, a doubt has arisen as to the correct interpretation of the foot-note under the sub heading 'Grade D' under "Salaries for clerical and non-clerical staff at Bombay, Calcutta, Karachi, Chittagong and Khulna", in Schedule I of the Settlement arrived at between the Scindia Steam Navigation Company Limited and the Scindia Staff Union on the 14th March, 1957 and accepted by the Transport and Dock Workers' Union by settlement dated the 20th March, 1957 on the question specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 36A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether non-matriculate Ticket Collectors, Tally Clerks and Time keepers who joined prior to 31st December 1946, are entitled, under the terms of the settlement dated the 14th March 1957, read with the settlement dated 20th March 1957, to be placed in Grade C.

[No. 28/53/60/LRIV.]

New Delhi, the 5th June 1961

S.O. 1349.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Cooperative General Insurance Society Limited, Hyderabad, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the termination of employment of Shri S. N. Nag is justified and if not, to what relief he is entitled.

[No. 70/2/61-LRIV.]

S.O. 1350.—Whereas the management in relation to the State Bank of Jaipur, Jaipur and the Rajasthan Bank Employees' Union, Jaipur have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matter set forth in their application reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said employees' union represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whereas an industrial dispute exists between the State Bank of Jaipur, Jaipur and the Rajasthan Bank Employees' Union, Provincial Office, Jaipur and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute should be referred for adjudications by a Tribunal, an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated—1960

Sd/- O. N. BHARGAVA,
26-6-60.

1. Sd/- K. C. JAIN,
26-6-60.

Signature of the authorised representative of the Management of the State Bank of Jaipur, Jaipur.

Signature of the President, Rajasthan Bank Employees' Union, Provincial Office, Jaipur.

Designation Asstt. Accountant.

2. Sd/- R. L. KHANDELWAL,
26-6-60.

Signature of the General Secretary, Rajasthan Bank Employees' Union, Provincial Office, Jaipur.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the Form of Application as prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947

(a) Parties to the dispute including the name and address of the establishment or undertaking involved:—

(1) State Bank of Jaipur, Jaipur. (Sawaimansingh High-way).

(2) The Rajasthan Bank Employees' Union, Provincial Office, C/O State Bank of Jaipur, Sawaimansingh High-way, Jaipur.

(b) Specific matters in dispute:—

Whether Sarvashri Tejmal Jain, K. D. Jangir and Prabhu Narain Gupta, employees of the Bank are entitled to the allowance mentioned in para 164(b) (9) of the Sastry Award, in view of their duties and keeping in view the fact of their being in receipt of allowance mentioned in para 164(b)(8) of the Award and the nature of their duties, and if so, from what date?

(c) Total number of workmen employed in the undertaking affected:—
Approximately 800.

(d) Estimated number of workmen affected or likely to be affected:—
Three.

(e) Efforts made by the parties themselves to adjust the dispute:—

The dispute was raised before the C.O.(C), Ajmer having received no response, and the matter was fixed for enquiry by the C.O. and after looking to the facts when agreement was not possible, joint application was agreed to at the instance of the Conciliation Officer (C), Ajmer.

Sd/- O. N. BHARGAVA
Representing the Management
of State Bank of Jaipur, Jaipur

Sd/- K. C. JAIN
President.

Sd/- R. L. KHANDELWAL
Secretary.

Rajasthan Bank Employees' Union, Jaipur.

[No. LRIV-10(150)/59.]

G. JAGANNATHAN, Under Secy.

